

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #18-24 – 4161 Dawson Street

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #18-24.

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) Public Art Plan or cash in lieu;
- g) Geotechnical and Groundwater Study;
- h) Storm and Ground Water Management Plan;
- i) Offsite Civil Engineering Design; and
- j) 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:

- Water main
 - Sanitary sewers
 - Metro Trunk Sewer connections
 - Municipal pump station upgrades
 - Storm sewer provision and relocation;
- a) construction of Dawson Street to its final standard with curb and gutter, separated pedestrian facilities along the southern frontage of the site, street trees, street lighting and pedestrian lighting across the development frontage;
 - b) construction of a road linkage connecting Lougheed Highway and Dawson Street through the site complete with separated sidewalks, specialized paving, bicycle provision, public seating, street trees, pedestrian lighting and street lighting;
 - c) construction of a new intersection at Carleton Drive and Dawson Street complete with left turn lanes and traffic signals; and,

ATTACHMENT 3 – REZONING PREREQUISITES

- d) construction of public plaza and pedestrian linkages complete with specialized paving, ornamental landscaping, public seating, pedestrian lighting and art.

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.

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 with security, where necessary:

a) if applicable:

- 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
 - 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) Replacement Master Density Allocation Covenant to include rental density and density offset for Phase 2;
 - c) Section 219 Covenant ensuring compliance with the approved acoustical study;
 - d) Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;

ATTACHMENT 3 – REZONING PREREQUISITES

- e) Section 219 Covenant guaranteeing the provision and ongoing maintenance of public art, and 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;
 - 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 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;
 - h) Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
 - i) Section 219 Covenant restricting commercial uses fronting on Dawson Street and Carlton Avenue from having obscured fenestration;
 - 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 Carlton Drive, Carleton Plaza, and the various pedestrian connections linking to the Statutory Right of Ways for public walkways, plazas and pedestrian connections in Phase 1;
 - l) Section 219 Covenant restricting occupancy of T5 and T6 unless and until a certificate of occupancy has been issued in respect of the non-market rental units in T4;
 - m) Reciprocal access easement agreements and Section 219 Covenant to secure reciprocal vehicular and pedestrian access between the Phase 1 and 2 underground parkades;
 - n) Section 219 Covenant regulating the use of amenity guest suites; and
 - o) 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, parking, and pedestrian/vehicular access areas, if any.
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, 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 alternatively, the registration of a Section 219 Covenant restricting

ATTACHMENT 3 – REZONING PREREQUISITES

occupancy of the development site subject to the adoption of a Housing Agreement Bylaw and execution and delivery of a Housing Agreement as noted above.

7. **Site Disclosure**

A Ministerial release was obtained through Phase 1 and the Phase 2 site is now fully excavated.

8. **Ministry of Transportation and Infrastructure**

Approval from the Ministry of Transportation and Infrastructure.

9. **Indemnification Agreement**

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 its 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.