

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #24-22 – 5978 Wilson Avenue

The following are prerequisites to the Final Adoption of the Rezoning Bylaw for REZ #24-22.

Site Specific Rezonings

1. **Suitable Plan of Development**

The submission of a Suitable Plan of Development including all details outlined in the Submission Checklist.

2. **Required Plans and Studies**

The submission of the following plans and studies acceptable to the City:

- a) Comprehensive Sign Plan;
- b) Phasing Plan;
- c) Construction Management and 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;
- j) Acoustic Study;
- k) Tenant Assistance Plan and Checklist;
- l) Sketch plans for Statutory Rights of Way; 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 of a servicing agreement and delivery of financial security to secure the construction of all services necessary to serve the site. Services include, but are not limited to:

- a) any required storm sewer, sanitary sewer, and water main upgrades, including a suitable on-site stormwater management system;
- b) construction of Wilson Avenue development frontage to a 2-lane collector Town Centre standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- c) construction of Kemp Street development frontage to a 2-lane collector Town Centre standard with custom cross section elements including:
 - 1.2 m front boulevard (south);
 - 1.8 m cycle track (south);
 - 0.1 m granite band (south);
 - 1.8 m sidewalk (south); and

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- approximately 2.30 m to 0.30 m tapering SRW over the sidewalk, with underground parkade encroachment (owner constructed and City maintained);
- d) improvements to the lane as required;
- 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 accepted engineering design. One of the conditions for the release of occupancy permits will be the completion of all requisite services. A copy of either the developer's or the contractor's Certificate of Insurance (in form and content satisfactory to the City's Risk Manager) is to be submitted to the Planning and Development Department.

4. **Subdivision** (see **Attachment #1** – Sketch #2 draft subdivision plan)
A submission for registration in the Land Title Office of a subdivision plan to create the subject development parcel and the required road dedication.
5. **Road Dedications**
The dedication of any road or lane allowances as required, including the following approximate road dedications, subject to final civil drawings:
 - 14.1 m² corner cut at Wilson Avenue and Kemp Street
6. **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 ensuring compliance with the approved acoustical study;
 - b) Section 219 Covenant guaranteeing the provision and ongoing maintenance of stormwater management facilities;
 - c) 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, public art, or Section 219 Covenant to ensure payment of cash-in-lieu contribution for public art prior to Building Permit issuance;
 - d) Section 219 Covenant to ensure the provision of the Transportation Demand Management requirements for the development;
 - e) Section 219 Covenant ensuring that any building lighting features can be turned on and off by the owner, and that architectural lighting will be turned off by the owner at the City's request in the event that the lighting results in any adverse neighbourhood and/or environmental impacts;

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- f) Section 219 Covenant requiring the property owner/representative to provide energy benchmarking data post occupancy, as well as a commitment for the property owner/representative to submit the necessary information to NRCAN.
- g) Section 219 Covenant ensuring that the site can be developed and used safely in accordance with the approved geotechnical study;
- h) A Statutory Right of Way to secure public access and maintenance provisions (Developer Constructed, City maintained) across a portion of the pedestrian and cycling path along the Kemp Street frontage;
- i) 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,
- j) 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;
- k) If Council authorize staff to proceed with Option 1 outlined in Section 3.5 of the Rezoning Report (REZ#24-22), then;
 - Section 219 Covenant to be registered on title to the subject site to ensure the non-market rental units set out in Option 1 are constructed as part of the development, and are rented at rates and to tenants that meet the eligibility criteria under the RUZP, including a no stratification clause;
 - Section 219 Covenant to be registered on title to 6035 Wilson Avenue (Solhouse) to restrict Occupancy of the Solhouse development until a building permit for 5978 Wilson Avenue (Wilson 3) is issued and construction contracts for the construction of the Wilson 3 development have been executed; and
 - modifications or replacements of the existing Section 219 Covenants registered on title to the Solhouse and Broadview development sites to reflect the changes in affordability of the rental units at each site resulting from the non-market rental unit transfer.
- l) If Council authorized staff to proceed with Option 2 outlined in Section 3.5 of the Rezoning Report (REZ#24-22), then a Section 219 Covenant to ensure the non-market rental units set out in Option 2 and required to be constructed as part of the development in accordance with the City's

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Rental Use Zoning Policy (RUZP) are rented at rates and to tenants that meet the eligibility criteria under the RUZP.

7. **Housing Agreement and Housing Agreement Bylaw**

Section 219 Covenant and a Housing Agreement will be required to protect and regulate affordability measures of the non-market rental units and to ensure compliance with City's Tenant Assistance Policy. If Council authorize staff to proceed with Option 1 outlined in Section 3.5 of the Rezoning Report (REZ#24-22), then the concurrent adoption of the following Housing Agreement Bylaws and execution of the related Housing Agreements are required prior to Final Adoption of the subject rezoning:

- i. A Housing Agreement Bylaw for 5978 Wilson Avenue to require the provision of 53 inclusionary rental units (being a portion of the inclusionary rental units originally required to be provided at Broadview), as well as 38 replacement rental units, and 327 market rental units;
- ii. A Housing Agreement Bylaw for 6035 Wilson Avenue (Solhouse) to require the provision of 15 inclusionary rental units (being a portion of the inclusionary rental units originally required to be provided at Broadview) and 53 market rental units; and
- iii. A Housing Agreement Bylaw for 5980 Kathleen Avenue (Broadview) to amend the terms of the Housing Agreement to require the provision of a total of 92 replacement rental units (66 of which represent the replacement rental units originally required to be provided at Solhouse, and 26 of which represent the replacement rental units transferred to Broadview from the Central Park House project), 2 inclusionary units (being a portion of the inclusionary rental units originally required to be provided at Solhouse), and 201 market rental units.

If Council authorize staff to proceed with Option 2 outlined in Section 3.5 of the Rezoning Report (REZ#24-22), then 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.

8. **Site Disclosure**

The submitted Site Disclosure Statement indicated no schedule 2 activities and therefore a release letter from the Ministry of Environment and Parks is not required.

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9. **Additional Requirements**

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