

ATTACHMENT 3 – REZONING PREREQUISITES

REZ #25-09 6535 Kingsway

The following are to be established as prerequisites to the final adoption of the Rezoning Bylaw for REZ #25-09.

1. **Suitable Plan of Development**

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

2. **Required Plans and Studies**

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

- a) Comprehensive Sign Plan;
- b) Fire Access Plan;
- c) Solid Waste and Recycling Plan;
- d) Loading Management Plan;
- e) Traffic Impact Analysis Report;
- f) Public Art Plan or cash in lieu;
- g) Geotechnical and Hydrogeological Study;
- h) Storm and Ground Water Management Plan;
- i) Offsite Civil Engineering Design;
- j) Acoustic Study; and,
- k) 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 Kingsway development frontage to a custom 6-lane arterial street standard with separated sidewalks, cycle facilities, street trees, rain gardens, and street and pedestrian lighting;
- c) Construct laneway from eastern edge of site to Balmoral Street;
- d) Undergrounding of all overhead wiring abutting the site; and,
- e) 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.

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4. **Subdivision** (see **Attachment #1**)
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**
The dedication of any road or lane allowances as required, including the following approximate road and lane dedications:
 - Kingsway –5.5 m dedication required across the frontage
 - Rear Laneway – 6.1 m dedication required
6. **Statutory Rights-of-Way, Easements, Covenants, and Other Registrations and Agreements**
 - a) The submission for registration in the Land Title Office of the following legal instruments with security, where necessary:
 1. Section 219 Covenant ensuring compliance with the approved acoustical study;
 2. Section 219 Covenant guaranteeing the provision and ongoing maintenance of storm and ground water management facilities;
 3. 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;
 4. Section 219 Covenant ensuring that the site is constructed and used in accordance with the approved geotechnical study;
 5. 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;
 6. Section 219 Covenant and if applicable, Housing Agreement to ensure the non-market rental units required to be constructed as part of the development in accordance with the City's Inclusionary Rental Requirements under the Zoning Bylaw (IRRB) are rented at rates and to tenants that meet the eligibility criteria under the IRRB;
 7. Section 219 Covenant ensuring the proposed rental units will not be stratified;
 8. Section 219 Covenant ensuring that (1) all buildings are to be designed, constructed, and maintained to be compatible with the City's District Energy Utility system (DEU), (2) all buildings will connect to and use City's DEU system for all their space heating and domestic hot water needs when service becomes available, and (3) all buildings will provide access and legal rights to the City for installation and maintenance of DEU system infrastructure;

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9. Statutory Right of Way allowing the City or its designate to access the mechanical system and thermal energy system-related infrastructure within the development for the purposes of enabling DEU connection and operation; and,
10. If applicable, easements, Statutory Right-of-Way, 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.

b) In reviewing the subject site's title, no legal instruments were identified requiring discharge as part of the subject rezoning application.

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

Final tenure is to be determined prior to Preliminary Plan Approval / Development Permit issuance. A Housing Covenant and Housing Agreement will be required should the development provide strata units and required non-market rental units in line with Inclusionary Rental Bylaw (IRB). Adoption of a Housing Agreement Bylaw and the execution, delivery, and registration of a Housing Agreement and a Housing Covenant and Rent Charge 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 IRB, 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 above grade Building Permit of the development site subject to the adoption of a Housing Agreement Bylaw and execution, delivery, and registration of a Housing Agreement and Housing Covenant and Rent Charge as noted above.

8. **Site Disclosure**

A Site Disclosure Statement has been submitted, and no Schedule 2 uses were identified. No further action is required.

9. **Additional Requirements**

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