

## SUMMARY AND RECOMMENDATION

**1. REZONING: 2900 East Broadway**

**Summary:** To rezone this site from I-3 (Industrial District) to CD-1 (Comprehensive Development District) to increase the amount of General Office Use and Retail Use on the site.

**Applicant:** Tom Bunting, Bunting Coady Architects

**Recommended Approval:** By the Director of Planning

- A. THAT the application by Tom Bunting of Bunting Coady Architects, to rezone 2900 East Broadway (PID 024662348, Lot 1, except Part in Plan LMP49647, Section 36, Town of Hastings Suburban Lands, Plan LMP44003) from I-3 Industrial District to CD-1 Comprehensive Development District, to allow for 1.0 FSR General Office Use and 2000 m<sup>2</sup> of Retail Use, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 2900 East Broadway" dated June 28, 2007, be approved, subject to the following conditions:

**AMENDMENT OF GUIDELINES**

- (a) THAT, if approved at Public Hearing, the by-law be accompanied at the time of enactment by:
- (i) the Grandview Boundary Industrial Area Rezoning and Development Policies and Guidelines to be amended to include a reference to the CD-1 for 2900 East Broadway by resolution of Council;
  - (ii) the Mini-Storage Warehouse Guidelines to be amended to include a reference to the CD-1 for 2900 East Broadway by resolution of Council.

**FORM OF DEVELOPMENT**

- (b) THAT the existing form of development for Phase I be approved by Council in principle, generally as shown in development permit (DE404308) drawings on record, provided that the Director of Planning or the Development Permit Board, as the case may be, may allow minor alterations to the form of development, when approving the detailed scheme of development.
- (c) THAT, prior to approval by Council of the form of development which provides for additional land uses (Phase II), on-site parking and loading, the applicant shall obtain approval of a revised development application by the Director of Planning or the Development Permit Board.

**AGREEMENTS**

- (d) THAT, prior to enactment of the CD-1 By-law, the registered owner shall:

## ENGINEERING

- (i) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of an up-to-date site plan (to be included in the rezoning set of plans) reflecting both the property line changes in the northeast and southwest corners of the site due to road dedications, and the current legal description;
- (ii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the provision of a revised right of way for Virtual Way (currently as shown on Plan LMP44004), to reflect the already built and the proposed final sections of the road and pedestrian areas;
- (iii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for the extension of the existing right of way (Plan LMP44777) over Phase II to reach the southwest corner of the site;
- (iv) all public sidewalks required by the General Manager of Engineering Services that serve this development must be, at the discretion of the General Manager of Engineering Services, either be sited on City owned street or contained within statutory rights of way drawn to the satisfaction of the Director of Legal Services, in consultation with the General Manager of Engineering Services;
- (v) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for amendments to existing servicing agreements to reflect changes in phasing of the development site and delivery of improvements on public property;
- (vi) make arrangements, to the satisfaction of the General Manager of Engineering Services, for undergrounding of all new utility services from the closest existing suitable service point. All services, and in particular electrical transformers, to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged; and
- (vii) make arrangements, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

## CHILDCARE

- (viii) make the necessary arrangements, to the satisfaction of the Director of Social Planning and the Director of Legal Services, for the provision of a fully fitted up

(i.e., ready for immediate occupancy), furnished and equipped, 37-space child day care facility for toddlers and three to five year old children, at a location acceptable to the City;

[Note: Floor area for indoor space excludes additional circulation space required to accommodate the elevator, elevator lobbies and emergency exit stairwells and the outdoor space will be immediately adjacent, fenced and equipped outdoor play space which includes landscaping and grassed areas.]

Both the indoor and outdoor space of the toddler and 3 to 5 Programs must meet all provincial community care facilities licensing and City Childcare Design Guidelines requirements and be satisfactory to the Director of Social Planning. The owner shall bear all start up costs and be responsible for maintaining, repairing and operating the child day care facility in perpetuity, including the building within which the child day care facility is located, and securing a facility operator, to the satisfaction of the Director of Social Planning.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other city officials and City Council.

- B. THAT a consequential amendment to the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" (I-3), generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 2900 East Broadway" dated June 28, 2007, be approved.

**(RZ. - 2900 East Broadway)**