

SUMMARY AND RECOMMENDATION

13. REZONING: 3063-3091 West Broadway

Summary: To rezone 3063-3091 West Broadway from C-2C (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a five-storey mixed-use building with at-grade commercial uses and 70 secured for-profit affordable rental housing units. A height of 18.2 m (59.7 ft.) and a floor space ratio (FSR) of 3.39 are proposed.

Applicant: Yamamoto Architecture Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of September 29, 2015.

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Yamamoto Architecture Inc., on behalf of Orr Development (1980) Corp., to rezone 3063-3075 West Broadway [*Lots 15 and 16, except the north 10 feet now lane and part in Plan 4166 of Lot 3, Block 31, District Lot 192, Plan 1461; PIDs: 014-611-236 and 014-611-287 respectively*] and 3083-3091 West Broadway [*Lots 13 and 14, except portions in explanatory Plan 5765 and Plan 4166 now highways, of Lot 3, Block 31, District Lot 192, Plan 1461; PIDs: 005-722-713 and 005-723-027 respectively*] from C-2C (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 3.00 to 3.39 and the building height from 13.8 m (45.3 ft.) to 18.2 m (59.7 ft.) to permit the development of a five-storey mixed-use building with at-grade commercial uses and 70 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated September 21, 2015, entitled "CD-1 Rezoning: 3063-3091 West Broadway", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Yamamoto Architecture Inc. and stamped "Received City Planning Department, May 20, 2015", subject to the following conditions, provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

Urban Design

1. Design development to the configuration of the main-level setbacks on West Broadway to improve the level of visibility of retail units while still providing a level of pedestrian amenity.

Note to Applicant: Provide sufficient width of public realm from curb to building face to facilitate the outdoor display of goods, and provide opportunities for extensions of cafes and restaurants without interrupting pedestrian travel. The pedestrian amenity should provide continuous retail frontage and the depth of front yard setback at the main level should consider compatibility with future development to the east. The expression of the main level should appear to be a natural fit to the architectural design of the building of the floors above without requiring significant second storey overhangs.

2. Design development to rationalize the upper level setback along the westerly elevation.

Note to Applicant: The west setback on the upper floor should be a minimum of 8.0 ft.

3. Design development to soften the building's expression at the lane.

Note to Applicant: Reduce the height and extent of blank wall at the lane. Introduce vertical landscaping and employ changes in material and scale of expression of walls on the lane to add interest. Also, consider introducing residential use at the lower level facing the lane.

4. Design development to the residential entry on Balaclava to appear more distinguished, and clearly identifiable.
5. Design development to the configuration of outdoor spaces on the Level 2 patio to make them more usable.
6. Design development to delete the pocket park at the northwest corner of the site.
7. Consideration to provide shading elements on the south elevation.
8. Consideration for design development to increase stepping in the massing at the northwest corner of the building site on upper floors to create terraced outdoor spaces.

Crime Prevention through Environmental Design (CPTED)

9. Design development to consider the principles of CPTED, having particular regard for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcoves and vandalism, such as graffiti.

Sustainability

10. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including achieving Gold certification under LEED® For Homes - Multi-family Mid-rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

Note to Applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the Development Permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the policy and application for certification of the project will also be required under the policy.

Landscape Design

11. Site utilities and vents located onto private property and integrated discreetly into the building, avoiding landscaped and common areas.
12. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: The hose bib condition is intended to encourage patio gardening. Staff are aware of the applicant's concerns for hose bibs located on "private" patios and are prepared to coordinate further to explore options at the development permit stage.

13. Grades, retaining walls, walkways and structural elements, such as underground parking, designed to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Where applicable, grade-oriented trees should be planted at grade and not placed in above-grade planters to achieve soil depth. Lane planting will require sufficient soil and irrigation to ensure plant health. Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous wherever possible. Planters on slab located on upper levels should exceed BCLNA planting depths and strive to maximize soil volumes and planter widths.

14. Delete reference to boulevard planting and provide lawn on the front boulevard on Balaclava Street.

Engineering

15. Provision of the required additional parking to meet the requirements of the parking covenant or arrangements to the satisfaction of the Director of Planning and the Director of Legal Services for alternate parking arrangements for 3035 West Broadway. There is currently a registered parking covenant on title obligating the provision of 20 parking stalls for

the adjacent site at 3035 West Broadway that this development does not appear to account for.

16. Provision of loading spaces large enough to accommodate the largest sized truck that will service this site. If a grocery store use is proposed that requires a MSU sized truck for loading, a Class B loading space with an overall length of at minimum 33 ft. and an overhead vertical clearance of at minimum 4.0 m shall be required.

Note to Applicant: All loading is to be accommodated on site. Loading management measures may be needed to fulfill this requirement.

17. A canopy application is required. Canopies must be fully demountable and drained to the buildings internal drainage system. Canopies are defined as a rigid roof like structure supported entirely from a building and where the canopy deck is constructed of wired or laminated safety glass or metal not less than 0.56 mm in thickness. (VBBL section 1A.9.8).
18. Provide automatic door openers on the doors providing access to the bicycle room(s).
19. Bicycle room(s) must not contain more than 40 bicycle spaces except where the additional bicycle spaces are comprised of lockers.
20. Provision of required Class B bicycle spaces to be located on private property.
21. Identify on the plans, the route(s) from the bicycle room to the building exterior to which residents with bicycles are expected to use. Please draw a clear line along the route.
22. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services. Please refer to the Parking and Loading Design Guidelines.
 - (i) Clearly note the stall number and dimensions for all types of parking and loading spaces.
 - (ii) Clearly identify the location of the 20 covenanted parking spaces to be supplied for the site at 3035 West Broadway unless alternate arrangements are made for this parking. (Note these are in addition to any required parking for this development.)
 - (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, and at all entrances.
 - (iv) Modify the building adjacent to the parking ramp to provide visibility of oncoming pedestrians, cyclists and vehicles travelling from either direction in the lane.
 - (v) Provide a 10 ft x 10 ft corner-cut through the inside radius at the top of the parking ramp at the lane and at the bottom of the

main parking ramp to enable two vehicles to pass each other unobstructed.

Note to Applicant: This will allow for two vehicles travelling in opposite directions to pass each other at these critical locations.

- (vi) Modify column placement to comply with the requirements of the Engineering Parking and Loading Design Supplement.
- (vii) A column 2 ft. in length must be set back 2 ft. from the opening or the end of the parking space. A column 32 inches long may be set back 1 ft.
- (viii) Dimension all columns encroaching into parking stalls.

Social Development

- 23. Design development to the outdoor amenity common area to increase the size of the space and inclusion of landscape elements that create opportunities for creative play.

Note to Applicant: Play equipment is neither necessary nor encouraged; however, landscape features which foster creative play and motor-skills development, such as boulders, logs, pathways, water-play elements, sand-play etc., are encouraged.

- 24. Design development to the planters on the outdoor amenity common area to create opportunities for urban agriculture and integrate edible planting into the overall landscaping plan.

Housing

- 25. That the proposed unit mix, 50% 1-bedroom and studio, and 50% 2-bedroom and 3-bedroom units, be included in the development permit drawings.

Note to Applicant: Any changes in unit mix from that set out in the rezoning application must be to the satisfaction of the Chief Housing Officer.

- 26. Provision of a Final Tenant Relocation Plan to the satisfaction of the Chief Housing officer, which in addition to the terms already agreed to will include an updated list of tenants and rents, current as of the time of Development Permit application.
- 27. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the property that: indicates the number of units occupied on the date of the notice; includes information of posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

28. Provision of a final Tenant Relocation Report which: outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rents, any other compensation); and includes a summary of all communication provided to the tenants.

CONDITIONS OF BY-LAW ENACTMENT

- (c) That prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Chief Housing Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 13 and 14 Except Portions in Explanatory Plan 5765 and Plan 4166, Now Highways; Lots 15 and 16 Except the North 10 feet Now Lane and Part in Plan 4166; All of Lot 3, Block 31, DL 192, Plan 1461 to create a single parcel.
2. Discharge of Easement and Indemnity 299705M (crossing agreement) prior to occupancy of the building.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Addition of audible signals to the existing traffic signal at the intersection of Balaclava Street and West Broadway.
 - (ii) Provision of upgraded street and pedestrian level lighting at the intersection of Balaclava Street and West Broadway and along the frontage of the site on West Broadway, to LED lighting.
 - (iii) Relocation or replacement of the existing speed humps in the lane to avoid conflict with the parking entry. Should design development to the building avoid the speed humps then this condition would not apply.
 - (iv) Provision of a standard concrete lane crossing, new curb returns and curb ramps at the lane north of West Broadway on the east side of Balaclava Street.

- (v) Provision of new concrete sidewalks with saw cut joints adjacent the site in keeping with standards for the area.
 - (vi) Provision of street trees adjacent the site where space permits.
 - (vii) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
 - (viii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any sewer system upgrading that may be required.
4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

Note to Applicant: Relocation of the existing wood pole in the lane that conflicts with parking and loading access. Provision of written confirmation from all Utility companies that use the pole confirming that the pole can be satisfactorily relocated.

Housing

5. Make arrangements to the satisfaction of Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing all 70 residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the

longer of 60 years and life of the building, subject to the following additional conditions:

- (i) A no separate-sales covenant;
- (ii) A no stratification covenant;
- (iii) That none of such units will be rented for less than one month at a time;
- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and again prior to development permit issuance;
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents, subject to any increases allowed by the Vancouver Development Cost Levy By-law:

| Unit Type | 3063-3091 West Broadway Proposed Average Starting Rents |
|-----------|--|
| Studio | \$1,270 |
| 1-bedroom | \$1,438 |
| 2-bedroom | \$1,974 |
| 3-bedroom | \$2,443 |

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of Chief Housing Officer and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by the Vancouver Development Cost Levy By-law.
- (vii) Compliance with the Tenant Relocation Plan attached to this report in Appendix G.
- (viii) Such other terms and conditions as the Chief Housing Officer and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Soils

- 6. If applicable:

- (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
- (ii) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (iii) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Note to Applicant: 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.

The preceding 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 are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 21, 2015, entitled "CD-1 Rezoning: 3063-3091 West Broadway", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by the same report.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign By-law [assigned Schedule B (C-2C)], generally as set out in Appendix C of the Policy Report dated September 21, 2015, entitled "CD-1 Rezoning: 3063-3091 West Broadway", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as

set out in Appendix C of the Policy Report dated September 21, 2015, entitled "CD-1 Rezoning: 3063-3091 West Broadway".

- E. THAT Recommendations A through D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner;
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 3063-3091 West Broadway]