

SUMMARY AND RECOMMENDATION

2. REZONING AND HERITAGE DESIGNATION: 2308 East 34th Avenue (B&K Grocery)

Summary: To rezone 2308 East 34th Avenue from RM-7 (Residential Multi-Family) District to CD-1 (Comprehensive Development) District to enable restoration of the existing heritage building on the site containing a retail store at grade and one dwelling unit above, and to permit the addition of three townhouse units, for a total of four dwelling units. As part of the rezoning, the historic, two-storey, brick, B&K Grocery building would be restored and designated as protected heritage property. A floor space ratio (FSR) of 1.35 is proposed.

Applicant: Formwerks Architectural

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 31, 2016.

Recommended Approval: By the Acting 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 Formwerks Architectural, on behalf of Symphony Projects (Nanaimo 34) Corp., to rezone 2308 East 34th Avenue [*PID: 013-365-304; Lot 57, Block 3, District Lot 394, Plan 2911*], from RM-7 (residential multi-family) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 0.90 to 1.35, to allow retail/service use enabling restoration of the existing heritage building on the site with grade-level commercial space and an upper-level dwelling unit, and to permit the addition of three townhouse units to the site, generally as presented in Appendix A of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", 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 Formwerks Architectural and stamped "Received Planning Department, October 16, 2015", 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 heritage building addition to remove second-storey projection in into east side yard, to reduce massing adjacent neighbouring one-family dwelling.

Sustainability

2. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving BuiltGreen BC Gold™ with a source of Energuide 84.

Note to Applicant: Provide a BuiltGreen BC checklist confirming Gold level achievement and a detailed written description of how the score of Energuide 84 will be achieved. Both checklist and description should be incorporated into the drawing set and significant Built Green features keyed to the plans.

Engineering

3. Update the landscape and site plans to reflect the requirements of this rezoning application.
4. Delete proposed planting from around existing street trees on 34th Avenue, show lawn only.
5. Show boulevard plantings that meet boulevard planting guidelines and accommodate the proposed widened sidewalks. The widened sidewalks will reduce the width of the back boulevard area and the provision of a 1'-0" grass strip behind the sidewalks (per planting guidelines) will result in only a minimal space to plant being available. Please consult with Engineering Services to determine most appropriate planting for the remaining back boulevard area.

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 and to the General Manager of Planning and Development Services, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. 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) Provision of improved sidewalks adjacent the site. Existing sidewalk is to be replaced with widened sidewalks, either 5 feet or 6 feet wide with saw-cut expansion joints as space permits.
 - (ii) Provision of a new curb return at the southeast corner of Nanaimo Street and 34th Avenue including new or updated curb ramps.
 - (iii) Provision of street trees adjacent the site where space permits including the ability to accommodate trees along the Nanaimo frontage through provision of tree protection bollards or new curb, gutter and asphalt pavement to road centerline adjacent the site, all at the discretion of the General Manager of Engineering Services in consultation with the Vancouver Park Board.
 - (iv) 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 applicants' 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.
 - (v) 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.
2. 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.

Heritage

3. The owner enters into a Heritage Restoration Covenant for the rehabilitation, registration and long-term protection of the heritage building. The agreement is to be completed and registered in the Land Title Office to the satisfaction of the Director of Planning and the Director of Legal Services prior to the enactment of the rezoning by-law.

Note to Applicant: The agreement must be signed by the owner and any party with a financial charge on the title to give priority. The purpose of the agreement is to secure the protection of the heritage building during and after construction and ensure its rehabilitation in a timely manner consistent with a conservation plan, in addition to allowing the City to place a commemorative plaque on the building or lands, and related matters. Please contact the heritage planner to receive a copy of the draft agreement for review.

4. Designation of the structure and exterior of the heritage building as protected heritage property, pursuant to sections 593 and 594 of the Vancouver Charter and enactment of the Heritage Designation By-law by Council.
5. Submit a finalized copy of the Conservation Plan for the heritage building as prepared by the heritage consultant.

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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, including for the dedicated lands, issued by the Ministry of Environment, have 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 registerable charges pursuant to 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 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 by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to the approval in principle of the rezoning, the existing heritage building, known as the "B&K Grocery" at 2308 East 34th Avenue be added to the Vancouver Heritage Register in the 'C' evaluation category.
- C. THAT, subject to approval in principle of the rezoning and pursuant to Section 593 of the *Vancouver Charter*, a by-law to designate the existing heritage building, known as the "B&K Grocery" at 2308 East 34th Avenue, generally as set out in Appendix D of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", also be approved.
- D. 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 [assigning Schedule B (C-1)], generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)", be approved.
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)".
- F. 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 May 17, 2016, entitled "CD-1 Rezoning and Heritage Designation - 2308 East 34th Avenue (B&K Grocery)".
- G. THAT Recommendations A to F 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 the expenditures of funds of incurring of costs is at the sole risk of the person making the expenditures 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 sole risk of the property owner; and

- (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/HD - 2308 East 34th Avenue (B&K Grocery)]