

## SUMMARY AND RECOMMENDATION

**2. REZONING: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)**

**Summary:** To rezone 5679 Main Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a new six-storey mixed-use building with 46 secured market rental housing units. A height of 23.0 metres (75 feet) and a floor space ratio (FSR) of 3.50 are proposed.

**Applicant:** Mallen Gowing Berzins Architecture Inc.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of January 30, 2018.

**Recommended Approval:** By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by Mallen Gowing Berzins Architecture Inc., on behalf of Rendition (E41) Developments Inc., the registered owner, to rezone 5679 Main Street [*Lots 12 to 15, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane; and Lot 16, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane, (C) Part in Reference Plan 5645 Now Road; all of Block L, West Part of District Lots 639 and 640, Plan 1393; PIDs: PID 014-070-910, 014-070-928, 014-071-037, 014-071-061 and 014-071-754, respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.50 to 3.50 and the building height from 13.8 m (45 ft.) to 23.0 (75 ft.) to permit the development of a six-storey mixed-use building with 46 secured market rental housing units, generally as presented in Appendix A of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)", be approved subject to the following conditions:

**CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the prepared form of development be approved by Council in principle, generally as prepared by Mallen Gowing Berzins Architecture Inc. on behalf of Rendition (E41) Developments Inc., and labeled "Received September 29, 2017 Rezoning - PDS", provided that the Director of Planning 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 Director of Planning, who shall have particular regard for the following:

## URBAN DESIGN

1. Design development to the north side of the building, to reduce the massing and improve the building elevation, as follows:
  - (i) Delete the northeast corner of Unit W10 on Level 6 (currently shown as a washroom);
  - (ii) Add windows to the exit stair, to improve transparency and encourage active use; and
  - (iii) Consideration to add a window on the north wall of the second bedroom of Unit W7 on Levels 4 and 5.

Note to Applicant: Only the exit stair massing should project into the 8 ft. upper storey setback.

2. Design development to improve livability of the units by providing appropriate storage either in-suite or at the parkade level.

Note to Applicant: Many in-suite storage rooms are compromised by the location of laundry facilities, and do not appear to comply with the Bulk Storage bulletin.

3. Design development to improve the building elevations by indicating all exterior materials.

Note to Applicant: Further conditions may follow from the response to this condition.

4. Design development to the public realm design, as follows:
  - (i) Provide a demountable weather protection canopy, minimum 6 ft. deep.
  - (ii) Provide a sidewalk treatment consistent with Engineering Services requirements.

Note to Applicant: Weather protection canopy should be clearly indicated and dimensioned on the floorplan and section drawings. Patios on City property should be removed from the drawings. A patio use may be approved under a separate, future permit. Landscape design should be amended to not obstruct or interfere with the use of the sidewalk.

5. The proposed unit mix, including 9 studio units (19%), 21 one-bedroom units (46%), and 16 two-bedroom units (35%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of

Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

6. Submission of a bird-friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to Applicant: Refer to the *Bird-Friendly Design Guidelines* for examples of built features that may be applicable. For more information, see the guidelines at:  
<http://guidelines.vancouver.ca/B021.pdf>.

#### **Crime Prevention through Environmental Design (CPTED)**

7. Identify on the drawings strategies that consider the principles of CPTED including the following conditions:
  - (i) Limiting opportunities for nuisance activities, mischief in alcoves, and blind corners;
  - (ii) Limiting unobserved access or activity and encouraging natural visual surveillance;
  - (iii) Mail theft;
  - (iv) Site lighting developed with considerations for safety and security; and
  - (v) Reduced opportunities for graffiti.

Note to Applicant: Alcoves and other similar visually hidden areas should be designed so as to not be covered or have limited cover and be well lit.

Opportunities for graffiti can be mitigated by reducing areas of exposed wall and by covering with vines, hedges or a rough finish material.

8. Design development to improve visibility and security in the underground parking in accordance with the Parking By-law including:
  - (i) Overhead lighting and step lights at exit stairs and doors;
  - (ii) 24 hour lights and walls painted white; and
  - (iii) Visibility at doors, lobbies, stairs and other access routes.

#### **Landscape Design**

9. Design development to the integration of the architecture, grades, retaining walls, walkways and structural elements, such as underground

parking, to provide maximum plant growing depth (exceed BCLNA Landscape Standard).

Note to Applicant: Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible.

10. Design development to increase the amount of permanent rooftop planting and presence of vegetation by increasing the width of private patio edge in combination with more robust tree planters.
11. Explore opportunities to add additional soft landscaping to the building edges at grade.

Note to Applicant: The at grade public-private realm contains large expanses of paving. In coordination with Engineering staff, efforts should be made to add low maintenance planting to the building perimeter at grade, especially along Woodstock Avenue. It is noted that this will be challenging at points of access/egress and pedestrian paths.

12. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.;
13. Design development to locate site utilities and vents onto private property and integrated discreetly into the building, avoiding landscaped and common areas.

Note to Applicant: This includes the exploration of opportunities to screen the pad mounted transformer at the lane with a trellis and gates. Further coordination with BC Hydro will be necessary.

### Sustainability

14. Confirm that the building is on track to meet the requirements of the preceding *Green Buildings Policy for Rezonings* (as amended up to January 14, 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist, must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the CaGBC must be provided with the application and the project registration number incorporated into the

drawings. Application for Certification will be required at a subsequent stage.

15. In lieu of the requirements outlined in Condition 14, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezonings* (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Building are summarized at: <http://guidelines.vancouver.ca/G015.pdf>.

## Engineering

16. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
17. Provision of a stormwater and rainwater management plan that meet the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course Bylaw. The plan shall achieve the following objectives;
  - (i) Retain or infiltrate 50% of the 6-month storm event volume (24 mm) onsite.
  - (ii) Treat the 6-month event (48 mm) onsite.
  - (iii) Maintain the pre-development 2-year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note to Applicant: Legal arrangements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

18. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

19. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e.

consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.

20. Confirmation that the proposed garbage space provides adequate bin storage. Please review the garbage and recycling design supplement to determine garbage space for the commercial portion of the development. The current provision of totters only is likely not an adequate provision. More typical 2 or 3 yard bins may be necessary.

21. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning.

22. The following statement is to be placed on the landscape plans:

“The landscape plan is to be noted as ‘NOT FOR CONSTRUCTION’ and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”

23. Clearly show existing transit shelter on the Site Plan and Landscape Plans.

24. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

(i) Provision of additional design elevations on both sides of the parking ramp at all breakpoints and both sides of the loading bay.

Note to Applicant: The length of the ramp slopes and all sections of ramp to be shown on the submitted drawings.

25. Modification of the parking ramp design as follows:

(i) The slope must not exceed 10% for the first 20 ft. from the property line.

(ii) The slope must not exceed 12.5% after the first 20 ft. from the property line. 15% slopes may be acceptable if a 7.5% to 10% transition ramp is provided at the bottom for at least 4 m in length.

(iii) Provide a corner cut through the inside radius at the bottom of the main parking ramp to enable two vehicles to pass each other

unobstructed.

- (iv) Provision of vehicle turn movements that show vehicle turning tracks the length of the curved ramps on the submitted plans to ensure that two vehicles can pass unobstructed.

Note to Applicant: Engineering recommends providing a minimum ramp width of 23.5 ft. through the curved section of the parking ramps to achieve two way flow.

- (v) Provide measures to address conflicts between vehicles on the ramps. Parabolic mirrors are recommended at the tops and bottoms of all ramps and through the curved sections of the ramps.

- (vi) Provision of updated section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay.

Note to Applicant: Label minimum clearance for parking levels on the drawings, including overhead gate and mechanical projections.

- (vii) Show and dimension all columns on the drawings.

- (viii) Provide a 6.6 m (21.66 ft.) maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.

- (ix) Provision of additional parking stall width for stalls adjacent to walls or stalls with columns set back more than 4 ft. from the end of the stall.

26. Modification of the loading bay design:

- (i) The slope of the loading bay must not exceed 5%.
- (ii) Provide a double throat for the Class B loading spaces.
- (iii) Confirm minimum vertical clearance for the two small car stalls located on P2 under the ramp from P1 to P2.
- (iv) Provision of an updated plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

- (v) Provision of automatic door openers on the doors providing access to the bicycle room(s).

Note to Applicant: Engineering does not support the proposed lane closure as it would lead to vehicle circulation through the neighbourhood to achieve access to the parking and loading.

## 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, Urban Design and Sustainability, 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 Services

1. Consolidation of Lots 12 to 15, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane; and Lot 16, Except, (A) Part in Plan 4447, (B) The West 6 Feet Now Lane, (C) Part in Reference Plan 5645 Now Road; all of Block L, West Part of District Lots 639 and 640, Plan 1393 to create a single parcel and subdivision of that site to result in the dedication of the easterly 7 ft. (2.134 m) and the southerly 2 m for road purposes. A subdivision plan and application to the Subdivision and Strata Group is required.
2. Following dedications, provision of an additional building setback to achieve a 5.5 m (18 ft.) boulevard, measured from the back of the existing curbs on both Main Street and 41st Avenue. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/statutory right-of-way (SRW) dimension. The SRW will be free of any encumbrances such as structures, stairs, door swing, landscaping and bicycle parking at grade but the encroaching building portions shown below grade and at the 3rd storey and above will be accommodated within the SRW agreement.

Note to Applicant: Should the setback be determined to be less than 2 ft., then an SRW will not be sought over the setback areas.

3. Release of Easement & Indemnity Agreement 305021M (commercial crossing) prior to building occupancy.

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.

4. 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 security for the services is provided.

- (i) Provision of an upgrade to the traffic signal at the intersection of 41st Avenue and Main Street through provision of upgraded intersection lighting and a traffic camera upgrade including all supporting equipment, cabinet/kiosk and signal modifications to accommodate the upgrade.
- (ii) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (iii) Provision of new CIP light broom finish sidewalk and exposed aggregate front utility strip with saw cut joints to be located between the curb and the building face on all building frontages.
- (iv) Provision of upgraded LED street lighting on Main Street, Woodstock Avenue and on 41st Avenue to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (v) Provision of standard concrete commercial lane crossings at both lane entries for the lane west of Main Street at 41st Avenue and Woodstock Street.
- (vi) Provision of new curb ramps and curb returns where necessary on the Main Street frontage at 41st Avenue and at Woodstock Avenue.
- (vii) Provision of removal of the existing boulevard crossing and reconstruction of the sidewalks and curb to current standards.
- (viii) Provision of adjustments to the transit stop and transit shelter to accommodate building design and/or transit stop needs including adjusted shelter location should it be necessary.
- (ix) Provision of street trees adjacent the site where space permits.
- (x) Provision of adjusted parking regulatory signage adjacent the

site as needed.

- (xi) 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, sprinkler demand, hydrant load, and domestic water demands to determine if water main 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.
  - (xii) 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.
26. 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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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. In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro, an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

## Housing

27. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement and/or Section 219 Covenant to secure all 46 residential units as secured market rental housing units pursuant to the

City's Rental 100 Program, for the longer of 60 years or the life of the building, subject to a no-separate-sales covenant and a no-stratification covenant, and such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City at by-law enactment pursuant to Section 565.2 of the Vancouver Charter and/or a Section 219 Covenant.

## Environmental Contamination

28. If applicable:

- (i) Submit a site profile to Environmental Services (Environmental Protection);
- (ii) As required by the Manager of Environmental Services 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 Services 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 Services, the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 covenant that there will be no occupancy of any buildings or improvements on this site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been issued 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 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 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 and at no cost to the City.

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, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)", 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 property owner(s) and their mortgagee(s), but prior to enactment of the CD-1 By-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Community Services.
- C. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 16, 2018, entitled "CD-1 Rezoning: 5679 Main Street (189-193 East 41st Avenue and 5679-5695 Main Street)".
- E. THAT 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; and
  - (iii) THAT the City and all its officials 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 - 5679 Main Street]