

## SUMMARY AND RECOMMENDATION

**2. REZONING: 450 Gore Avenue**

**Summary:** To rezone 450 Gore Avenue from RT-3 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building containing retail at grade and a total of 61 for-profit affordable rental housing units. A height of 21.6 m (70.9 ft.) and a floor space ratio (FSR) of 4.5 are proposed.

**Applicant:** Gair Williamson Architect

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of February 3, 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 Gair Williamson Architect, on behalf of GMC (450 Gore) Properties Inc., to rezone 450 Gore Avenue [*Lots 31 to 33, Block 71, District Lot 196, Plan 196, PIDs: 015-577-457, 015-577-481, and 015-577-490 respectively*] from RT-3 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio from 0.6 to 4.5, to allow for the construction of a six-storey mixed-use building with retail at grade and all residential units secured by a Housing Agreement as for-profit affordable rental housing, generally as presented in Appendix A of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue", 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 Gair Williamson Architect, on behalf of GMC (450 Gore) Properties Inc. and stamped "Received Planning Department, November 28, 2014", 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 provide a street character more compatible with the adjacent Strathcona context.

Note to Applicant: This can be achieved through design refinement to the exterior expression, including façade and fenestration modulations that reflect the narrow proportions of the neighbouring buildings to the

east (Strathcona). This can be achieved by visually dividing the Pender elevation into two parts by changing the centre column of windows to inset or “Juliet” balconies.

2. Design development to improve livability of micro dwellings. Note to Applicant: This can be achieved by providing in-suite storage and outdoor space for units less than 320 sq. ft. in size in correspondence with the Micro Dwelling Policies and Guidelines. Outdoor space can be provided on the common roof deck, however, where feasible, private roof decks and “Juliet” style balconies should be provided. The roof above the main floor at the lane elevation could be explored as roof decks.

3. Revise the drawings to strengthen the liveability of dwelling units.

Note to Applicant: Internal bedrooms cannot be supported and shall not be indicated on the plans.

4. Design development to the residential entry to improve identity and amenity. Note to Applicant: This can be achieved by providing a canopy above the entry doors.

5. Design development to the elevations to refine the level of material detail to be more compatible with the adjacent areas context.

Note to Applicant: The intent of this condition is not to request traditional detailing, but to ensure that the design of this building, particularly on the street-facing elevations, augments and strengthens the distinctive architecture character of the area. Design development to entries, windows, material transitions and parapets to illustrate a compatible level of details is required.

6. Provision of a vertical vent space to accommodate future exhaust from the commercial level.

Note to Applicant: Intent is to allow for a wider range of uses without requiring the retrofitting of exhaust ducting on the outside of the building.

7. Design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for mischief and vandalism such as graffiti.

Note to Applicant: Blank walls adjacent to the lane (and in loading bay) should be treated with a paint-type anti-graffiti coating. Confirm that the loading bay can be closed with a rolling gate.

8. Design development to consider the principles of CPTED, having particular regard for security in the underground parking in accordance with section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white.

9. Design development to improve defensibility and reduce opportunities for mischief in alcoves.

Note to Applicant: The inset portions of the retail frontage provide an opportunity for mischief and collection of refuse. This issue can be resolved, and the façade interest maintained by angling the wall from the street face to the doorway.

## Engineering

10. The following is required to allow the bicycle parking to be located on the 2nd floor:
  - (i) Provide analysis of maneuvering for bicycles entering and exiting the elevators.
  - (ii) Modify the elevator sizes to accommodate at least 2 cyclists and bicycles at once, if required.
  - (iii) Provide an agreement on title allowing people with bicycles to use the two residential elevators at any time.
  - (iv) Provide a letter from the owner committing to manage the bike parking to ensure that there will be sufficient bike parking on the ground floor for regular bicycle commuters.
11. Provision of a landscape plan with the following statement noted on it:

“A landscape plan 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 Frank Battista at 604.873.7317 or Kevin Cavell at 604.873.7773 for details.”

Note to Applicant: An updated landscape plan is to show a revised parking meter and parking regulation plan. A plan will be provided to the applicant by Engineering Services during the development permit review stage.
12. Confirmation that fabric awnings are proposed over the property line and provision of an awning application is required. Awnings must be fully demountable. Awnings are defined as a light detachable structure of fabric, sheet metal or other flexible material supported entirely from the building. (VBBL section 1A.9.7).
13. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- (i) Modify the Class B loading space to:
  - a. Provide the required loading space throat.
  - b. Provide a roll-up door or change the direction of the door swing at the back of the loading space so that it does not swing inward.
  - c. Provide a convenient and direct connection from the loading bay to CRU2.
- (ii) Provision of a minimum 6.1 m (20 ft.) wide opening for the parking ramp at the building line in the lane including a resized overhead security gate.

Note to Applicant: Should it be necessary to use the car share provisions of the Vancouver Parking By-law to meet the parking standard for the site then arrangements must be made to the satisfaction of the General Manager of Engineering Services and the Director of legal Services for the delivery of car share vehicles and car share vehicle parking spaces on the site. Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy will be required prior to issuance of the development permit.

### Sustainability

- 14. Identification on the plans and elevations of the built elements contributing to the building sustainability performance as required by the Green Buildings Policy for Rezonings.

Note to Applicant: Provide a checklist and a detailed written description of how the rating system points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set, with significant elements keyed to the building plans and elevations. A letter from the Mechanical consultant shall be submitted outlining how the six optimize energy points will be achieved in this building design.

- 15. The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated Neighbourhood Energy utility provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.
- 16. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
- 17. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

18. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (e.g., gas-fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

### Housing

19. That the proposed unit mix, 75 percent studio, 25 percent two-bedroom units, be included in the development permit drawings.

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

20. Design development to include a multipurpose indoor amenity room with an accessible washroom with baby change table, a kitchenette, and storage closet.

Note to Applicant: A minimum of 37 m<sup>2</sup> is suggested, a room size of less than 27.9 m<sup>2</sup> is to be avoided, locating the amenity room adjacent to and with access and oversight of outdoor amenity areas is encouraged.

21. Design development to the rooftop to include a common outdoor amenity area, including an area suitable for a range of children's play activity, and to include garden plots, to ensure some of the plots are universally accessible, and to include the necessary infrastructure to support urban agricultural activity such as compost bins, tool storage, and a potting bench and hose bibs.

Note to Applicant: Play equipment is not required. Soft surface landscaping, and landscape elements, such as balancing logs and boulders, which encourage imaginative creative and motor skills developing play are encouraged. Toxic plants are to be avoided in any planters and edible landscaping and/or opportunities for gardening and urban agricultural activity by residents is encouraged.

### 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, the Managing Director of Cultural 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. Consolidation of Lots 31, 32 and 33, Block 71, DL196, Plan 196 to create a single parcel.
2. Release of Easement & Indemnity Agreement 247473M (commercial crossing).

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 building setback and a surface SRW to achieve a 4.57 m (15 ft.) distance from the back of the City curb to the building face on Gore Avenue. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension.
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 the security for the services are provided.
  - (i) 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.
  - (ii) Upgrading of approximately 72 m of existing 200 mm sanitary sewer on lane north of Pender Street from Gore Avenue towards the east to a 250 mm sewer. The work is currently estimated at \$250,000.
  - (iii) Provision of audible signals at the intersection of Pender Street and Gore Avenue.
  - (iv) Provision of new concrete sidewalks around the site in keeping with the area standards.
  - (v) Provision of a standard concrete lane entry at the lane south of Hastings Street on the east side of Gore Avenue.
  - (vi) Provision of street trees adjacent the site where space permits.

5. 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.

### Sustainability

6. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
  - (i) Require buildings within the development to connect to the City-designated Neighbourhood Energy System prior to occupancy, if connection is deemed available and appropriate at the time of development permit issuance, or postoccupancy through a deferred services agreement, or otherwise, at such time that a system becomes available;
  - (ii) Grant the operator of the City-designated Neighbourhood Energy System access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the applicant; and
  - (iii) Provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System.

Note to Applicant: The property owner will be prohibited from entering into any energy supply contract for thermal energy services, other than conventional electricity and natural gas services, unless otherwise approved by the General Manager of Engineering Services.

### Housing

7. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing all 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 or the life of the building, subject to the following additional conditions:
  - (i) A no separate-sales covenant;

- (ii) A non-stratification covenant;
- (iii) A covenant that none of such units will be rented for less than one month at a time;
- (iv) Provision of a rent roll indicating the initial monthly rents for each rental unit anticipated as of the time when the Housing Agreement is executed;
- (v) Provision of a finalized rent roll that reflects the initial monthly rents at occupancy, to be calculated as of when the building permit is issued, in accordance with the applicable definition of for profit affordable rental housing in the Vancouver DCL By-Law on either a per unit or a per square foot basis, with confirmation to be provided following occupancy;
- (vi) In respect of the micro dwelling units, in compliance with the intent of the Micro Dwelling Policies and Guidelines; and
- (vii) 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

8. If applicable:
- (i) 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
  - (ii) 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 Planning, 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 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 the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule B of the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to Schedule C of the Parking By-law, generally as set out in Appendix C of the Policy Report dated January 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue".
- E. 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 January 26, 2015, entitled "CD-1 Rezoning - 450 Gore Avenue", 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), prior to enactment of the CD-1 By-law contemplated by this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- F. THAT Recommendations A through E 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; 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 bylaw 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, 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.