

SUMMARY AND RECOMMENDATION

2. REZONING: CD-1 Rezoning - 5037, 5067 and 5087 Main Street

Summary: To rezone 5037, 5067 and 5087 Main Street from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a five-storey residential building with 41 dwelling units, including eight replacement market rental housing units. A height of 18.9 m (62 ft.) and floor space ratio (FSR) of 2.53 are proposed.

Applicant: Taylor Kurtz Architecture + Design Inc., on behalf of BOFFO Homes (Main Street) Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of March 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 Taylor Kurtz Architecture + Design Inc., on behalf of BOFFO Homes (Main Street) Inc., to rezone 5087, 5067 and 5037 Main Street [*Lots 26 to 28, all of Block 4, District Lot 637, Plan 8768; PIDs 016-123-760, 009-930-035, and 007-945-230 respectively*] from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.35 to 2.53 FSR and the height from 10.7 m (35 ft.) to 18.9 m (62 ft.) to permit the development of a five-storey residential building, containing a total of 41 dwelling units, including eight replacement market rental housing units, generally as presented in Appendix A of the Policy Report dated February 17, 2015, entitled "CD-1 Rezoning - 5037, 5067 and 5087 Main Street", 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 Taylor Kurtz Architecture + Design Inc. and stamped "Received Planning Department, May 2, 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:

Design Development

1. Design development to enhance the clarity and prominence of the main entry.

Note to Applicant: Further consideration should be given to the architectural expression of the entry as well as the landscape treatment in the front entry area.

2. Design development to ensure a high quality and detailing of the extensive soffit areas of the building.

Note to Applicant: Materials and lighting will be critical elements in this very significant aspect of the building.

3. Design development to enlarge and improve the usability of the amenity space and consider moving it to the roof.

Note to Applicant: See also Housing Policy conditions for further requirements regarding the design of the amenity space.

4. Design development to the external exit stairs to ensure a positive contribution to the frontage along 35th Avenue and to the pedestrian path along the north side of the building.

Note to Applicant: The detailed design and materials of the exit stairs will be an important element with respect to the experience of the streetscape, and with respect to CPTED.

5. Design development to improve the pedestrian experience along the public path on the north side of the building (see also Condition (c) 3).

Note to Applicant: Further consideration should be given to outlook and casual surveillance from adjacent units, as well as landscape. Addressing condition five regarding the design of the exit stairs will also assist with this.

6. Consideration to further enhance the access of light to the exit stairs and through to the interior circulation corridors of the building.

Landscape

7. Design development to provide a high-quality public realm interface incorporating safe landscaped open spaces with residential-quality greenery and visual interest to benefit the pedestrian environment along the street and lane edge.

8. Design development of landscape surface treatment at property edges to provide substantial greenery for privacy screening to mitigate potential overlook issues for at grade oriented residential units.

9. Design development to provide maximized growing medium volumes for tree and shrub planters on structures to ensure long-term viability of the built landscape.

Note to Applicant: Structures such as underground parking slabs may need to be altered (dropped/ angled/ notched) to provide adequate depth and continuous soil volumes, and not placed in above grade planters to achieve soil depth. Planter depth to exceed current BC Landscape Standard.

10. Arrangements made for an ISA Certified Arborist to assess all private trees located on the subject site and to provide comments in writing.

Note to Applicant: Healthy specimen trees should be considered for retention and efforts made for incorporation within the Site Plan, where possible.

11. Design development to integrate utilities into the building, where possible.

Note to Applicant: Avoid the placement of utilities (Pad-mounted transformers, "Vista" junction boxes, underground venting) in the public realm or visible to primary walkways and entrances.

12. Provision of best current practices for managing water conservation in common landscaped areas, including high efficiency (drip) irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching.

13. At the time of development permit application:

- (i) Provision of a legal survey confirming the location of existing on-site and off-site trees.
- (ii) Provision of an ISA Certified Arborist report for all existing site trees and adjacent trees on neighbouring sites, as noted on the legal survey.
- (iii) Provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development permit submission stage.
- (iv) Provision of large scale $\frac{1}{4}''=1'-0''$ or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane edges; include planter walls, stairs, landscaping, soil depth (indicated by underground structures), and other landscape features, as applicable.
- (v) Provision of hose bibs for all patios greater than 100 sq. ft. in area.

Crime Prevention through Environmental Design (CPTED)

14. Design development to respond to CPTED principles, having particular regards 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

15. Provision of a Recycling & Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling & Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

16. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the *Green Buildings Policy for Rezoning*s, including a minimum of 63 points in the LEED® rating system, including at least six optimize energy performance points, one water efficiency point, and one stormwater point.

Note to Applicant: Provide a LEED® checklist confirming the above; a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set. Registration and application for certification of the project are also required under the policy.

17. 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.

- (i) 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.
- (ii) The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a City-designated Neighbourhood Energy Utility 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.

- (iii) 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 Policy

- 18. That the proposed unit mix of family units include 68% two-bedroom units, 10% three-bedrooms be included in the Development Permit drawings.

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

- 19. 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.
- 20. 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 on 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.
- 21. 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, rent, any other compensation); and includes a summary of all communication provided to the tenants.
- 22. Design development of replacement market rental housing units to meet the intent of the High Density Housing for Families with Children Guidelines (HDHFCCG) and to improve livability.

Note to Applicant: The following items should be addressed at the time of development permit:

- (i) Room Sizes: Second bedrooms appear to be on the small side, at approximately ~9' x 9.5' (~85 sq. ft.). *High Density Housing for Families with Children Guidelines* (HDHFCG) specify that bedrooms should be able to accommodate a single bed, dresser and desk or table, as well as some floor space for playing in the children's bedrooms. Furniture layouts should reflect what living space is likely to be accommodated in these rooms.
 - (ii) Closets and storage: Design development of all replacement market rental units to provide an adequately-sized closet in each proposed bedroom, and bulk storage options for one-bedroom replacement market rental housing units. There are no bedroom closets shown in any units, strata or rental, but rental units may be especially challenged in trying to fit closets in. HDHFCG give minimum dimensions for overall bulk storage (2.3 m² or 5.7 m³), *exclusive of* adequately-sized bedroom and linen closets. Bedrooms must include a closet.
 - (iii) Storage: Design development of units R1 and R2 to include adequate bedroom closets and bulk storage closets.
 - (iv) Horizontal angle of daylight: Main bedrooms in R4 appear to just meet the minimum for horizontal angle of daylight (and slightly better in R2 and R3). Staff encourages the applicant to seek improvements to daylight access, especially if other proposed layout changes negatively impact such access.
 - (v) Full baths: Applicant to consider using space taken up by a second full bath to improve the layout for the rest of the suite.
23. Design development of indoor and outdoor common amenity space to demonstrate the ability for the proposal to meet the common amenity needs of a family-oriented building, as per the *High Density Housing Guidelines for Families with Children*.

Note to Applicant: Applicant has proposed an indoor amenity room of 217 sq. ft. next to the ground floor lobby. As per the *High Density Housing for Families with Children Guidelines*, outdoor play areas suitable for use by children of a range of ages should be provided. Indoor amenity spaces function best at a minimum of 400 sq. ft., adjacent to an accessible washroom with change table and, preferably, with direct access to exterior amenity space/children's play.

Engineering

24. Clarify garbage pick-up operations. Bins and totes are not to be pulled out onto the parkade ramp; storage location should consider access for waste haulers and ease of use for tenants and Owners. The space should either be at grade adjacent the lane or at the parking level where minimum grades serve to access the space. Note; pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

25. Provision of City building grades and provision of design grades adjacent all entries (along the property lines) and both sides of all breakpoints on the parkade ramp including ramp lengths and percentage of grade.
26. 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 placement of the columns located on either side of the two small car parking spaces directly across from the elevator and vestibule.

Note to Applicant: the adjacent standard parking spaces will otherwise require an additional 8" stall width.

- (ii) Provision of improved access to the bicycle room located at the south west corner. As proposed, if a larger vehicle parks in the small car space, the door to the room may not be accessible.
- (iii) Co-ordinate the location of the parkade access for this site and with the proposed parkade access for 5030 - 5080 Quebec Street to ensure that there is no vehicle interlock between the operations of the 2 entry points.
- (iv) Provision of correctly sized disability parking spaces.
- (v) Provision of a minimum 8' 6" small car and 8' 10" standard car parking space width is required if it is adjacent a wall.

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, the Chief Housing Officer 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 26 to 28, Block 4, DL 637, Plan 8768 to create a single parcel.
2. Provision of a 0.76 m (2'-6") wide surface statutory right-of-way (SRW) to accommodate a wider public realm and sidewalk along the Main Street frontage of the site. Removal of all fences, gates, benches etc. that encroach into the SRW area is required.
3. Provision of a 1.4 m wide statutory right-of-way (SRW) to accommodate public access along the northerly edge of the site.

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 standard 2.1 m wide concrete sidewalk with saw cut joints on Main Street adjacent the site. Relocation of the existing fire hydrant on the Main Street frontage so that is not located within the future sidewalk is required. Note the sidewalk is to be located to achieve a 1.2 m front boulevard.
 - (ii) Provision of a 2.1 m wide concrete sidewalk with saw cut joints on 35th Avenue adjacent the site. Note the sidewalk is to be located such that its width is not compromised by the existing utility infrastructure located in the 35th Avenue boulevard.
 - (iii) Provision of a standard concrete lane crossing at the lane east of Quebec Street on the north side of 35th Avenue. Work is to include the reconstruction of both lane curb returns and installation of curb ramps to current standards.
 - (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 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 Utility, which may include but are not limited to agreements which:
 - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy Utility at such time that a system becomes available.
 - (ii) grant the operator of the City-designated Neighbourhood Energy Utility access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy Utility 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 Utility.

Note to Applicant: Until a City-designated Neighbourhood Energy Utility provider has been identified the 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.

Soils

7. If applicable:
 - (i) Submit a site profile to the Environmental Protection Branch.
 - (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.
 - (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 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(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

Community Amenity Contribution (CAC)

8. Pay to the City in cash, the Community Amenity Contribution of \$565,000 which the applicant has offered to the City. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services, and is allocated to the Affordable Housing Reserve Fund.

Housing

9. Make arrangements to the satisfaction of the Chief Housing Officer and the Director of Legal Services to enter into a Housing Agreement securing eight residential units as replacement market rental housing for the longer of 60 years and the life of the building, subject to the following additional conditions in respect of those units:
 - (i) That all such units will be contained within a separate air space parcel or be contained within a single strata lot at the discretion of the Chief Housing Officer and Director of Legal Services.
 - (ii) That such air space parcel may not be subdivided by deposit of a strata plan or that such strata lot may not be divided or subdivided, whether by amendment to strata plan or otherwise.
 - (iii) That no such units may be separately sold.
 - (iv) None of such units will be rented for less than one month at a time.
 - (v) A rent roll indicating the proposed initial monthly rents for each rental housing unit.
 - (vi) Compliance with the Tenant Relocation Plan attached to this report in Appendix E.
 - (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.

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, if after Public Hearing, Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated February 17, 2015, entitled "CD-1 Rezoning - 5037, 5067 and 5087 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 applicant and it's mortgage(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 Chief Housing Officer.
- C. THAT Recommendations A and B, 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 expenditure of funds or incurred 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.

[RZ - 5037, 5067 and 5087 Main Street]