

SUMMARY AND RECOMMENDATION

5. REZONING: 478-496 West 48th Avenue

Summary: To rezone 478-496 West 48th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 10-storey mixed-use building with 59 secured market rental housing units, and commercial uses at grade. A height of 33.0 m (108 ft.) and a floor space ratio (FSR) of 3.91 are proposed.

Applicant: South Street Development Group

Referral: This item was referred to Public Hearing at the Regular Council Meeting of November 14, 2017.

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 South Street Development Group on behalf of 1041782 B.C. Ltd., the registered owners, to rezone 478-496 West 48th Avenue [*Lots 1-2 of Lot 4, Block 999, District Lot 526, Plan 5531; PIDs 011-138-289 and 004-410- 491 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 3.91 and the height from 10.7 m (35 ft.) to 33.0 m (108 ft.) to permit the development of a 10-storey mixed-use building, containing a total of 59 secured market rental housing units, with approximately 176.5 sq. m (1,900 sq. ft.) of commercial space at grade, generally as presented in Appendix A of the Policy Report dated October 31, 2017, entitled "CD-1 Rezoning: 478-496 West 48th 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 Hotson Architecture, on behalf of South Street Development Group and stamped "Received Planning Department, December 19, 2016", 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 improve the retail/commercial frontage on Cambie Street and the plaza as follows:

- (i) Replace amenity space with a commercial retail unit (CRU) fronting on the plaza.
- (ii) Provide servicing for CRU units on private property.

Note to Applicant: The northwest corner of Level 1, adjacent to the residential entry, is recommended as an alternative location for the indoor amenity room. The increased retail space may trigger a requirement for a loading space (see Engineering conditions). It is recommended that the bike storage be relocated to P1. To provide a high-quality public realm in the lane, as much landscaping as possible should be retained, and the exterior wall facing the lane should be given careful design consideration. CRU loading and servicing is typically separated from residential circulation.

2. Design development to the building massing, to better distinguish between Cambie Street (primary frontage) and 48th Avenue (secondary frontage).

Note to Applicant: This can be achieved by:

- (i) decreasing or deleting setbacks at Levels 9 and 10 for a portion of the west and south elevations (i.e. up to 50% of the elevation); and
- (ii) increasing the setback at Level 4 on West 48th Avenue to minimum 8 ft.

Note to Applicant: The intent is to create a more prominent “corner building” expression facing the plaza and station site, while reinforcing 48th Avenue as a secondary street frontage with a more neighbourly character.

3. Design development to better animate the public pedestrian connector.

Note to Applicant: This may be achieved by adding windows at Level 1, creating a more varied, visually-interesting screen to the parkade, adding climbing plants and/or a green wall, lighting features, and/or a combination of the above.

4. Design development to create a plaza for public use, as described in Section 6.5 of the *Cambie Corridor Plan*, “*Public Realm: Public Places*”.

Note to Applicant: The final plaza design should adhere to the requirements of the *Cambie Corridor Public Realm Plan*, upon its completion and adoption, and will require coordination with the General Manager of Engineering.

5. Design development to improve the livability of dwelling units, as follows:
 - (i) Reconfigure Level 2 and 3 floorplans so that no unit fronts solely onto the internal side yard (east PL).
 - (ii) Remove internal rooms (i.e. without an exterior window, referred to as “dens” on the floorplans).
 - (iii) Provide closets in all bedrooms.
 - (iv) Align internal walls to meet mullions or sections of solid exterior wall.
 - (v) Reconfigure unit layouts to avoid narrow, non-functional spaces (i.e. between exterior balcony walls and bedroom partition walls).
 - (vi) Ensure that storage meets the requirements of the Bulk Storage bulletin: <http://bylaws.vancouver.ca/bulletin/b004.pdf>.
 - (vii) Eliminate enclosed balconies in the east elevation.

Note to Applicant: The east elevation is the most protected from traffic noise impacts, and so there is a lack of rationale for enclosed balconies on this elevation.

6. Design development to improve the residential common amenities, by introducing opportunities for children’s play activities for a range of ages.

Note to Applicant: Play equipment is not required for the children’s play areas but a soft surface play area and creative landscape/play features (such as balancing logs and boulders, sandbox, a small/tangible water stream or feature, creative motor-skills developing features, etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

7. Design development of the building elevations, as follows:
 - (i) Provide a more prominent architectural expression for the main residential entry.

Note to Applicant: This may be achieved by reconfiguring the entry to face Cambie Street and/or providing an entry canopy. Planting, lighting and exterior furniture should also be considered.

- (ii) Provide entry canopies for the ground-oriented units on the north elevation.
- (iii) Provide weather canopies for the retail frontage, at locations where there is not a building overhang (i.e. east side of plaza).
- (iv) Provide further information on the building materials, as follows:
 - a. Material/finish of patio walls on north elevation.
 - b. Material/finish of horizontal bands between each storey.
 - c. Material of balcony guardrails.
 - d. Material/finish of soffits (particularly for overhangs over public realm) and fascias.
 - e. Confirm if panels are spandrel glass or metal panel (or combination).
 - f. Confirm thickness of brick veneer (min. 2.25" thickness).

Note to Applicant: While it is understood that materials and detailing may evolve during the development permit stage, the rezoning submission should demonstrate a commitment to provide durable, high quality materials and robust detailing.

- 8. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

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

Housing

- 9. The proposed unit mix, including 6 three-bedrooms (10%), 41 two-bedrooms (70%) and 12 one-bedrooms (20%) are 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.

10. Design development of common amenity space to include a kitchenette, storage closet and accessible washroom with baby change table, in the indoor amenity room.

Crime Prevention through Environmental Design (CPTED)

11. Design development to respond to CPTED principles, 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.

Landscape Design

12. Design development to provide a more conservative tree removal strategy, enabling the retention and protection of as many healthy existing mature trees as possible, including retention or relocation of Tree #1 and coordination with Park Board and adjacent property owner for the removal of Tree #4.

Note to Applicant: It is expected that all developments will adhere to Council's approved Urban Forest Canopy Strategy, by retaining a maximum of viable trees while still allowing development. Tree #4 may need to be retained, if there is not approval for removal. This may change the form of development. Tree #1 is a Japanese Maple in good condition, usually a good candidate for successful relocation, if retention in place is not possible. This tree should be re-integrated into the landscape design. A revised Arborist Report should document and make recommendations for methods of protection during construction.

13. Provision of a pedestrian friendly experience at the lane edges by the use of down lighting and more substantial planting at grade.

Note to Applicant: The lane edge planting should be protected from vehicles by an 8" high curb.

14. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCSLA standard.

15. Provision of improved sustainability and expanded programming by the provision of confirmed urban agriculture plots on the rooftop and the addition of edible plants to the Plant Palette.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

16. Provision of additional green roofs landscape plans for visible planting from the street for terraces on Levels 3, 4, 5 and 9, as well as providing trees and plants with an arching habit to soften the edge of Level 4, overlooking the plaza.

Note to Applicant: This can be achieved by providing strategic locations for planting beds, while still allowing for areas of private balconies. Landscaped beds can act as privacy buffers between units, with larger trees and shrubs in wider areas that can accommodate them. Details should confirm adequate depth of soil, to exceed BCSLA standard. Maintenance by tenants should be confirmed as part of the rental agreements, with written commitment for this as part of the development permit application submission. Irrigation viability should be confirmed by provision of either automatic high efficiency system (preferred), or individual hose bibs for each unit.

17. Provision requirements at the time of Development Permit application:

- (i) A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.
- (ii) Section details at a minimum scale of 1/4"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details must be dimensioned to confirm depth of proposed planting on structures exceeds BCSLA standard to accommodate rootballs of proposed trees well into the future.

- (iii) Sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

- (iv) A Tree Management Plan, locating all existing trees and dimensioned tree protection for all retained trees, in coordination with Arborist Report.
- (v) Deletion from the plans of any proposed artificial turf.
- (vi) Design development to locate, integrate and fully screen lane edge gas meters and parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
- (vii) New proposed street trees should be coordinated with Engineering and the Park Board and noted "Final species, quantity and spacing to the approval of City Engineer and Park Board". Contact Eileen Curran (604- 871-6131) of Engineering Streets Division regarding street tree spacing and quantity. Contact Cabot Lyford (604-257-8587) of Park Board regarding tree species.
- (viii) A high-efficiency automatic irrigation system to be provided for all planters on parkade slab and minimum of hose bibs to be provided for landscape on grade.
- (ix) A Landscape Lighting Plan to be provided for security purposes.

Note to Applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

Sustainability

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

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

19. Confirmation that the application is on track to meeting the *Green Buildings Policy for Rezonings* including a minimum of 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.

Note to Applicant: Provide an updated LEED® checklist and sustainable design strategy outlining how the proposed points will be achieved, a letter of confirmation from an accredited professional confirming that the building has been designed to meet these goals, and a receipt including registration number from the CaGBC. The checklist and strategy should be incorporated into the drawing set. Application for certification of the project will also be required under the policy.

Engineering

20. 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.
21. 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. 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.
22. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on- site garbage bin staging area is to be provided adjacent the lane.
23. Deletion of the extraneous lines extending over the property line into the lane from the site plan.
24. Confirmation that the first riser for the residential units along 48th Avenue, are 1'-0" behind the property line.
25. Delete proposed lane crossing treatment and indicate a standard concrete commercial crossing at the lane entry.

26. Indicate proposed specialty lane treatments including proposed lane crossing/walkway as requiring a separate application to the General Manager of Engineering Services. Please note that special treatments are only authorized through Engineering Services, no approvals will be granted via the development application approval process.
27. 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.
28. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
29. Provision of 7 ft. x 7 ft. corner cuts at the bottom of the ramp to improve maneuvering to the commercial and visitor parking spaces.
30. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, additional design elevations within the parking area, and at all entrances.
- (ii) Dimension all stalls, column encroachments, maneuvering aisles and ramp widths.

Note to Applicant: Adjust the columns for stalls 25-31 as they look incorrect.

- (iii) Provision of improved visibility at the top of the parking ramp. The following is required and note on plans:
 - a. Provision of a 1.5 m x 1.5 m corner cut on the planter on the east side of the parking ramp.
 - b. Taper the wall on the west side of the ramp to meet grade at the property line and to have a maximum wall height of 0.6 m at 1.5 m from the property line.
- (iv) Provision of an improved 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.

Note to Applicant: Confirm if separation is required between the visitor and residential parking spaces. If so, a minimum width of 20 ft. for the O/H gate must be provided.

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 1 and 2, both of Lot 4, Block 999, District Lot 526, Plan 5531 to create a single parcel.
2. Provision of a surface Statutory Right of Way (SRW) over the west 2.0 m of the site for sidewalk purposes. The SRW will be free of any encumbrance such as structure, stairs, benches, door swing, landscape and bicycle parking at grade but the encroaching building portions shown below grade and at the third storey and above will be accommodated within the SRW agreement.
3. Provision of a surface Statutory Right of Way (SRW) over the proposed public plaza for public use.
4. Provision of a surface Statutory Right of Way (SRW) over the east 3.1 m of the site for public access through the site connecting the lane with 48th Avenue.
5. Statutory Right of Way CA624128 (as modified by Statutory Right of Way CA3391314) stipulates that “no excavation or construction of any building, structure or improvement will at any time be commenced by the Owner over or under the SRW Area and unless and until all plans and specifications relating to the said excavation or construction of any building, structure or improvement have first been delivered to and approved in writing by GVTA [now South Coast British Columbia Transportation Authority], confirmation of such approval by the SCBCTA is required.
6. 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, 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.

- (ii) Provision of upgraded (storm and sanitary) service to meet the demands of the project. Replacement of the existing 300MM combined sewer with minimum 450MM storm sewer and 200MM sanitary sewer is required. Upgrading of the sewers from the lane east of Cambie St. to Cambie St. (approx. 51 meters) is required. Stubs to the north must be provided at the downstream manholes. Final sewer size and location are subject to detailed reviews and designs. Submission of a stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and watercourse by-law is required. The plan shall achieve the following;
 - a. Retain of infiltrate the 6 month storm event volume (24MM) on site.
 - b. Treat the 2 year event (48MM) on site.
 - c. Maintain the pre- development 2014 IDF-10 year storm event rate. The post development estimate shall use the 2100 IDF curve to account for climate change.

Note: Legal arrangements may be required to ensure on-going operations of certain stormwater storage systems.

- (iii) The development is to meet the 2018 Vancouver Building Code plumbing fixture rates.
- (iv) 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 that 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.

- (v) Provision of 100% of funding to the satisfaction of General Manager of Engineering Services for the future construction of protected bike lanes and infrastructure improvements on Cambie Street adjacent to the site. Improvements will generally include the following:
 - a. new concrete curb and gutter,
 - b. raised protected bike lane,
 - c. concrete sidewalk,
 - d. curb ramps where necessary,
 - e. upgraded street lighting to LED standard,
 - f. pedestrian scale lighting, and
 - g. adjustment to all existing infrastructure to accommodate the proposed street improvements.

Note to Applicant: Specific public realm improvements are subject to completion and adoption of the *Cambie Corridor Public Realm Plan*.

- (vi) Provision of a 2.13 m (7'-0") CIP light broom finish concrete sidewalk with saw cut joints on 48th Avenue.
- (vii) Upgrading of the current audible signal into an accessible pedestrian signal at Cambie Street and 49th Avenue.
- (viii) Provision of installation of, or improvements to, any speed humps, paint markings and signage in the lane south of 48th Avenue from Cambie Street to Alberta Street.
- (ix) Provision of an improved laneway crossing as an extension to the proposed plaza treatments. Should a design to the satisfaction of the General Manager of Engineering Services not be agreed to then a standard concrete lane crossing will be required. Lane crossing is to include adjustment or replacement of curb returns and curb ramps on both sides of the lane south of 48th Avenue on the east side of Cambie Street to meet current standards.
- (x) Provision of street trees adjacent the site where space permits.

Housing

7. 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 securing all 59 residential units as rental housing for 60 years or the life of the building, whichever is greater and subject to the following additional conditions in respect of those units:
 - (i) That such units may not be subdivided by deposit of a strata plan.
 - (ii) That none of such units may be separately sold.
 - (iii) That none of such units will be rented for less than one month at a time.
 - (iv) On other such terms and conditions as the General Manager of Community Services 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 enactment pursuant to section 565.2 of the *Vancouver Charter* and/or a Section 219 Covenant.

Environmental Contamination

8. 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 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 registered charges pursuant to the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over other such 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, 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 Subdivision By-law, generally as set out in Appendix C of the Policy Report dated October 31, 2017, entitled “CD-1 Rezoning: 478-496 West 48th Avenue”.
- 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 October 31, 2017, entitled “CD-1 Rezoning: 478-496 West 48th Avenue”, 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 to include this CD-1 in Schedule B, generally as set out in Appendix C of the Policy Report dated October 31, 2017, entitled “CD-1 Rezoning: 478-496 West 48th Avenue”.
- E. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated October 31, 2017, entitled “CD-1 Rezoning: 478-496 West 48th 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 property owner(s) and their mortgagee(s) prior to enactment of the CD-1 By-law contemplated by this report.
- F. THAT 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 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 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 - 478-496 West 48th Avenue]