

SUMMARY AND RECOMMENDATION

4. REZONING: 5809-5811 Main Street (198 Ontario Place)

Summary: To rezone 5809-5811 Main Street (198 Ontario Place) from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a 3½-storey residential building with 12 co-housing units including three affordable home ownership units. A height of 14.1 metres (46 feet) and a floor space ratio (FSR) of 1.62 are proposed.

Applicant: Marianne Amodio Architecture Studio

Referral: This item was referred to Public Hearing at the Regular Council Meeting of June 19, 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 Marianne Amodio Architecture Studio, on behalf of Tomo Spaces Inc., the registered owner, to rezone 5809-5811 Main Street (198 Ontario Place) [*Lots 1 and 2, Except (A) the West 8 Feet Now Lane and (B) Part in Plan 4457, both of Lot 2, Block C, District Lot 643, Plan 2175; PIDs: 013-987-038 and 013-987-046, respectively*] from RT-2 (Two-Family Dwelling) to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 1.62 and the building height from 9.2 m (30 ft.) to 14.1 m (46 ft.) to permit the development of a 3½-storey residential building with 12 co-housing units, including three affordable homeownership units, generally as presented in Appendix A of the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 5809-5811 Main Street (198 Ontario Place)" 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 Marianne Amodio Architecture Studio and received November 9, 2017, 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 livability of the units with basement bedrooms by considering solutions such as raising the basement floor level, adding light wells, increasing windows or reconfiguring the relationship between bedrooms and exterior circulation paths.

Note to Applicant: The basement floor level being closer to surrounding grade would improve natural lighting into the basement. It is anticipated that the overall height will increase as a result. However, the primary roof's eaves-line should remain at the same level and the roof-ridge to not increase more than 1 ft. This is to contain most of the building within the primary roof to maintain its two and a half storeys with basement expression. Adjusting some ceiling heights may be necessary to not increase the overall building height. Care should be taken in arranging the extra steps needed for these raised levels.

2. Design development to maintain and improve the common amenity room's usability and flexibility by:
 - (i) Introducing provisions to allow for partitioning of the amenity space.
 - (ii) Ensure that the area of the common amenity room is no less than 102 sq. m (1,100 sq. ft.)

Note to Applicant: This shared common room is intended to be a flexible space for multiple uses primarily by the building's residents, with the possibility of supporting external events.

3. Design development to ensure all fenestration locations and sizes will meet Passive House standards.
4. Consideration to improve the shared courtyard's usability by using the parking stalls closest to it as temporary extensions of the courtyard. Programmatically, consider how the pathways and parking stalls surrounding the courtyard are extensions of it rather than elements that restrict it.
5. Consideration to extend the lift to the basement level for better access, in conjunction with the bike-track, to the bicycle storage.
6. The proposed unit mix, including 3 studio units (25%), 2 one-bedroom units (17%), 4 two-bedroom units (33%), and 3 three-bedroom units (25%), 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.

Crime Prevention through Environmental Design

7. Design development to respond to CPTED principles, having particular regard for the following:
 - (i) Residential break and enter;
 - (ii) Mail theft; and
 - (iii) Mischief in alcoves and vandalism, such as graffiti.

Landscape Design

8. Provision of adequate soil volumes in planters to support long-term health of plants and trees.

Note to Applicant: Soil depths should meet or exceed BCLNA landscape standards.

9. Provision of detailed architectural and landscape cross-sections (minimum 1/4" scale) through common open spaces, semi-private patio areas and planters.

Note to Applicant: In tree areas, the sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy, and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

10. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8":1' scale minimum. The plant list should include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the plan and keyed to the plant list. The Landscape Plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, and fire hydrants.

11. Consideration to employ landscape grading solutions that direct rainwater to absorbent soils.

Note to Applicant: This condition is to assist with infiltration and treatment in keeping with emerging rainwater management policies.

12. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: Street trees are to be shown on the development permit plans and confirmed prior to issuance of the building permit. 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 and planting requirements. Include a notation on the plan as follows: *“Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 ft. long and 18 in. in depth. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion.”*

13. Provision of high-efficiency irrigation for the site and hose bibs for commons areas.

Note to Applicant: A portion of the landscape plantings are at grade in continuous soil volumes with access to the water table. It is to the discretion of the landscape architect to specify irrigation only in those areas susceptible to heat stress and drought. Hose bibs are requested to encourage gardening on amenity decks.

Sustainability

14. All buildings in the development shall meet the requirements of the *Green Buildings Policy for Rezoning* (amended to 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 Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later) bulletin.

Engineering

15. The minimum off-street parking provided on-site may be relaxed due to site constraints with the provision of additional bicycle parking or other Transportation Demand Management (TDM) strategies to support alternative transportation.
16. 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.

17. Please place the following statement on the landscape plan: “This plan is “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”.
18. 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.
19. 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. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. 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.
20. Clarify garbage storage and pick-up space. Please show containers and toters on plans for recycling and garbage needs and refer to the Engineering Garbage and Storage Facility Design Supplement for recommended dimensions and quantities of bins.

Note to Applicant: 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.

21. The following are required as part of the dedication along Main Street.
 - (i) Delete proposed bench and raised planter shown on beyond the dedication line on Main Street.
 - (ii) Delete portion of southerly fence that extends beyond the dedication line.
 - (iii) Delete brick pavers shown over the property line on both street frontages and show broom finish standard concrete sidewalks.
 - (iv) Delete references to “stoop with planters by residents”.

(v) Provision of an updated landscape plan with the property line and the required dedication on Main Street dimensioned and labelled.

22. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property.

Note to Applicant: Canopies are to be fully demountable and drained to the building's internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.

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

(i) Drawing design elevations within the parking area to calculate the slope and crossfall. The slope and crossfall must not exceed 5%.

(ii) Number and dimension all parking spaces.

(iii) If columns are required within the parking area, column placement must comply with the requirements of the Engineering Parking and Loading Design Supplement. Dimension any column encroachments into parking stalls.

(iv) Section drawings showing elevations and minimum vertical clearances for the parking level and security gates. These clearances must consider mechanical projections and built obstructions.

(v) Posts are shown along the property line on the landscape plan for the two parking spaces at the south end of the site. Confirm posts shown do not restrict maneuvering, parking access, and vertical clearance or delete from plans.

(vi) Provision of 'stairs free' access for the Class A bicycle spaces located in the basement. The bicycle access shown with a wheel ramp is not supported. Providing an elevator stop in the basement level with an appropriately-sized elevator would achieve this.

(vii) Provision of automatic door openers on the doors providing access to the bicycle storage rooms and note on plans.

(viii) Provision of an improved plan showing the 'stairs free' access route from the Class A bicycle spaces to reach the outside.

(ix) Consider providing a 4 ft. or wider access aisle for the cargo bike parking shown. As these bikes are longer, a wider access aisle may be required than what is shown.

Housing

24. The building is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them

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 Except (A) of the West 8 Feet Now Lane and (B) Part in Plan 4457, of Lot 2, Block C, DL 643, Plan 2175 to create a single parcel and subdivision of that site to result in the dedication for road purposes of that portion of the site east of a line formed between a point measured 6.2 ft. along the north property line of Lot 1 from the easterly property line and a point measured 2.5 ft. along the south property line of Lot 5 (5837 Main Street) from the eastern property line.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required. For general information, see the subdivision website at: <http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>

2. Clarify if any portion of the roof is over the dedication area. Note that the easterly extent of the roof in the plan view differs from that shown in the elevations (where the easterly portion wall extends above the roof line). Delete any portions encroaching over the dedication area.
3. Clarify if any windows are boxed-out (as shown on the elevations A2.01 and A2.03) and encroach over the dedication area on Main Street. Note that projecting window frames are not indicated in the plan views. Delete any window projections over the dedication area.
4. Clarify if any bricks projecting proud of the easterly façade are to encroach over the dedication area (A2.01, A2.03). Delete any encroaching bricks.
5. 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 is provided.

- (i) Provision of adequate water service to meet the fire flow demands of the project. Based on an estimate of the development's water demands, the water system should be adequate to service the development. No upgrades currently noted.
 - a. Supply the project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, Water Supply for Public Fire Protection, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required.
 - b. Should review of the confirmed project details deem upgrading to 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.

Note to Applicant: The above analysis assumes the proposed building will not utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid.

- (ii) Separate and upgrade the sewers on the lane west of Main Street, from Ontario Place to East 42nd Avenue.

Note to Applicant: Based on preliminary calculations future STM will be 450 mm and SAN will be 250 mm. Design in this lane will require consolidation of the two existing combined sewers.

- (iii) Provision of countdown timers and LED lighting at the signalized intersection of Ontario Street and 41st Avenue.
- (iv) Provision of a 1.53 m (5 ft.) sod grass front boulevard with trees and a 3.05 m (10 ft.) light broom finish saw cut concrete sidewalk on Main Street frontage. Landscaping with shrubs, ground cover or hard surface is acceptable in the remaining portion of the dedication.
- (v) Provision of a 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on Ontario Place and maintain the existing grass front boulevard.

Note to Applicant: Label the grass area in the front boulevard along Ontario Place on the landscape plan.

- (vi) Removal of the existing driveway crossing on Ontario Place and provision of new curb and gutter.
- (vii) Provision of a standard concrete lane crossing including replacement of the curb returns on both sides of the lane and upgrading of the curb ramps to meet current standards.
- (viii) Provision of new curb ramps at the southwest corner of the intersection on Main Street and Ontario Place as per City standard.
- (ix) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (x) 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.

- 6. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provide one Shared Vehicle to the development for a minimum period of three years;
 - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle;
 - (iii) Provide and maintain the Shared Vehicle Parking Space for use exclusively by such Shared Vehicle;
 - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
 - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;

- (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right-of-way (SRW), or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
- (vii) 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.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m.

- 7. Provision of all utility services is 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 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 BC 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.

Housing

- 8. Make arrangements to the sole discretion and satisfaction of the Director of Planning to secure either of the following enhancements to the affordability of three units in the development by either:
 - (i) Entering into a Housing Agreement and Section 219 Covenant with the City or a Section 219 Covenant with BC Housing to secure 1 one-bedroom unit, 1 two-bedroom unit and 1 three-bedroom unit as below market affordable homeownership units where the units will only be sold for approximately 35% below market value to income tested buyers with a secure mechanism for maintaining that level of affordability over time; or
 - (ii) Entering into a Housing Agreement and Section 219 Covenant as set out in condition 10 below to secure two or three moderate income rental units for 60 years or the life of the building.
- 9. Provide a letter of intent, to the satisfaction of the General Manager of Arts, Culture and Community Services, between the applicant and a

co-housing partner group affirming and securing the option to purchase units for members of the co-housing group.

Note to Applicant: The occupancy permit for the application may be held until the applicant has verified that sales have been completed to a co-housing group, to the satisfaction of the General Manager of Arts, Culture and Community Services and such permit hold may be secured by a Section 219 Covenant.

10. In the case of option (c.)8.(ii), make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing the rent restricted units as For-Profit Affordable Rental Housing pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or life of the building, and subject to the following additional conditions:
- (i) A no separate-sales covenant;
 - (ii) A no stratification covenant;
 - (iii) That none of such units will be rented for less than one month at a time;
 - (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into and again prior to Development Permit issuance;
 - (v) That the average starting monthly rents for each unit type will be at or below the following rates, applicable at the time of initial occupancy:
 - Studio \$950
 - 1 Bedroom \$1,200
 - 2 Bedroom \$1,600
 - 3 Bedroom \$2,000

as set out in section 2a of the *Moderate Income Rental Housing Pilot Program* and rent increases will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy.

Note to Applicant: A rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Arts, Culture and

Community Services (or successor in function) and the Director of Legal Services.

- (vi) The applicant will verify eligibility of new tenants for the units secured at moderate income rates.
 - a. For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent).
 - b. There should be at least one occupant per bedroom in each moderate income unit.
- (vii) The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every 5 years after initial occupancy.
 - a. For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent).
 - b. There should be at least one occupant per bedroom in each moderate income unit.
- (viii) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the Moderate Income Rental Housing Unit which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income units, and a summary of the results of eligibility testing for all units.
- (ix) Such other terms and conditions as the General Manager of Arts, Culture and 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 enacted pursuant to section 565.2 of the Vancouver Charter and a Covenant under Section 219 of the Land Title Act prior to enactment of the rezoning by-law.

Environmental Contamination

- 11. 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 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, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B, of the Policy Report dated June 5, 2018, entitled "CD-1 Rezoning: 5809-5811 Main Street (198 Ontario Place)", 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.
- C. THAT 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 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 – 5809-5811 Main Street (198 Ontario Place)]