

ADMINISTRATIVE REPORT

Title: DAV 21-197719\C – 174 Provencher BLVD

Issue: The City of Winnipeg approved an application for a mixed use-building with 2 commercial units and 45 residential suites.

Critical Path: Director of Planning, Property, and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
Simi Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division **approves** the application to vary the "RMU PDO-1 Provencher Blvd" dimensional standards of Zoning By-Law No. 200/2006 as follows:

- 1) for the construction of mixed use commercial/multi family dwelling building to permit the following:
 - a) a lot area per dwelling of 362 square feet (33.63 square metres) instead of 500 square feet (46.45 square metres);
 - b) no rear yard of instead of 25 feet (7.62 metres);
 - c) 39 parking spaces instead of 46 parking spaces;
 - d) insufficient street edge landscaping.
- 2) for the establishment of an accessory parking area to permit the following:
 - a) separation space of 30 feet (9.14 metres) instead of a minimum 50 feet (15.24 metres) to the street right-of-way;
 - b) no guest parking instead of 4 spaces;
 - c) 18 small car parking spaces instead of 13 small car parking spaces;
 - d) no buffering of parking located within 20 feet (6.09 metres) of a rear lot line adjacent to a residential district.

Subject to the following conditions:

- 1) That prior to the issuance of occupancy permits, the Developer shall, at no expense to the City, enter into an agreement to plant one tree in Provencher Boulevard, and all related works including but not limited to soil cells and restoring the sidewalk to its original condition, fronting on the Planned Area, as determined by and to the satisfaction of the Director of Public Works. The Developer shall, at no expense to the City engage an Engineering

Consultant to submit construction drawings to the City's Underground Structures Branch and oversee construction within the public right-of-way, all as determined by and to the satisfaction of the Director of Public Works.

- 2) That prior to the issuance of any development permits, a signed service agreement with a car share provider shall be submitted to and approved by the Director of Planning, Property and Development. The service agreement shall include one (1) car share vehicle and one (1) dedicated parking stall for the car share vehicle, to the satisfaction of the Director of Planning, Property and Development, to be thereafter maintained to the satisfaction of the Director.

REASON FOR THE REPORT

- The applicant is proposing to build a mixed use-building with 2 commercial units and 45 residential suites and requires variances.
- This report provides information regarding the subject application's compliance with *The City of Winnipeg Charter*, section 249.

FILE/APPLICANT DETAILS

FILE: DAV 21-197719\C
RELATED FILES:
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.502 – Central St. Boniface

SUBJECT: To vary the "RMU PDO-1 Provencher Blvd" dimensional standards of Zoning By-Law No. 200/2006 as follows:

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 - d) no buffering of parking located within 20 feet (6.09 metres) of a rear lot line adjacent to a residential district.

LOCATION: 174 Provencher BLVD
LEGAL DESCRIPTION: LOT 1 PLAN 64948 76 ST B

APPLICANT: Daniel Serhal (Serhal Consulting Ltd)
47 Highland Creek Rd
Winnipeg, MB R3Y 0E1

OWNER: 10016888 MANITOBA LTD.
360 Main St 3000
Winnipeg, MB R3C 4G1

HISTORY

Provencher Boulevard Planned Development Overlay (PDO)

- On July 19th, 2017, Council approved the amendment to Winnipeg Zoning By-Law 200/2006 and adopted changes to Provencher PDO 1.
- The design review section of the PDO requires that the Riel Community Committee shall make all decisions on urban design review for new construction, expansion and demolition.

DASZ 25/2017 & DAV 17-165224\D

- On January 15, 2018 the Riel Community Committee approved DASZ 25/2017 to rezone and consolidate of the subject site, as well as Variance Order & DAV 17-165224\D, permitting variances of the dimensional standards of Zoning By-Law No. 200/2006 for the construction of a mixed use commercial and residential building.
- On March 23, 2018 the Appeal Committee upheld the decision of the Riel Community Committee to approve DAV 17-165224\D in part, modifying the approval such that the applicant is required to provide two visitor parking stalls.

BP 1/18

- On June 11, 2018 the Riel Community Committee approved drawings for a mixed use commercial and residential building and accessory parking area under BP 1/18.

PA 18-134438 ZR

- On September 19, 2019, the Riel Community committee approved revised drawings submitted for Design Review for the proposed commercial and residential mixed use building and accessory parking area.
- A difference in grade from the front of the site to the rear of the site necessitated changes in the location of stairs and ramps to meet accessibility requirements. This resulted in smaller commercial units and has reduced the setback to the residential entrance area from +/- 8'7" to +/- 3'11". Due to the reduced depth of the commercial portion of the building, the applicant proposed a reduction to one commercial unit. The appearance of the commercial facade changed slightly to reflect this change, providing less visual prominence to the commercial door located at the center of the commercial façade which was revised to match the other commercial doors.

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
- (d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the south side of Provencher Boulevard, in the Central St. Boniface neighbourhood of the St Boniface ward.
- The subject property is situated along an Urban Mixed Use Corridor under the *Complete Communities Direction Strategy 2.0*. and falls within the Boulevard Provencher Planned Development Overlay area.
- The property is zoned "RMU" Residential Mixed Use (DASZ 25/2017), and is located within the *PDO -1 Boulevard Provencher* area.
- The 16,302 square foot site is currently vacant.

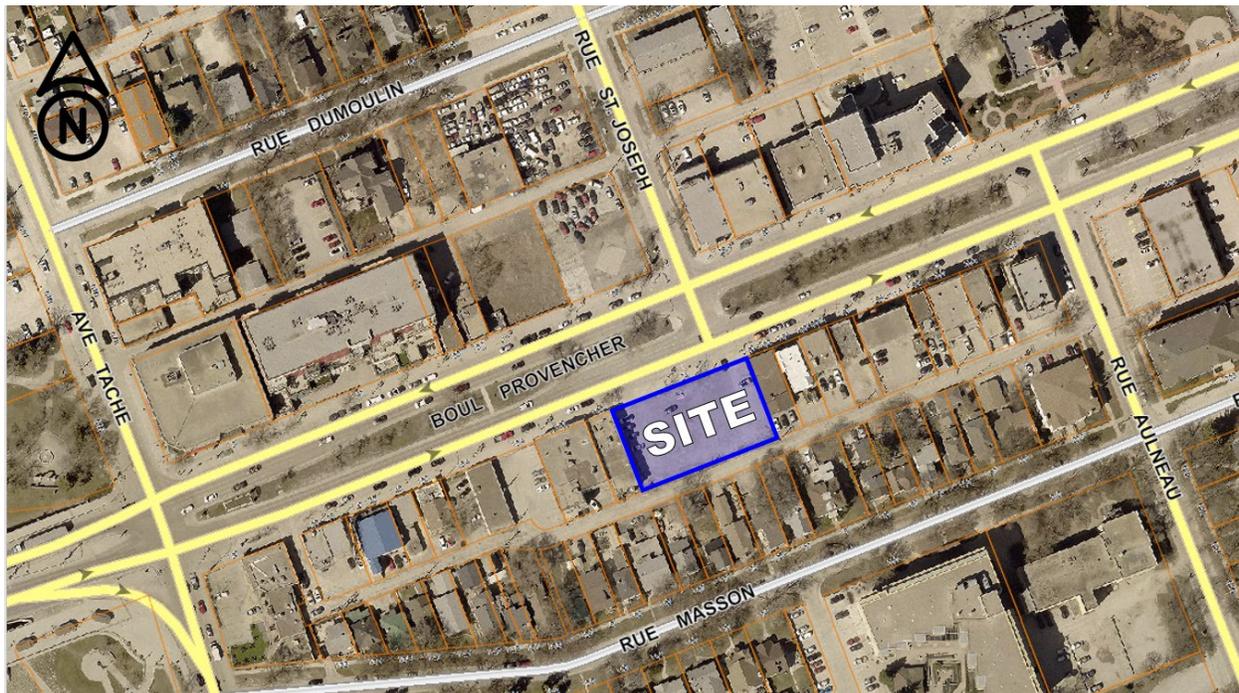


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2021)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Provencher Boulevard; then commercial and mixed use residential uses zoned “C2” Commercial Community (155-165 Provencher has been approved for rezoning to “RMU” Residential Mixed-use under DASZ 8/2021).

South: A public lane; then single-family and two-family residential uses zoned “R2” Residential Two-Family.

East: Commercial uses zoned “C2” Commercial Community.

West: Commercial uses zoned “C2” Commercial Community.

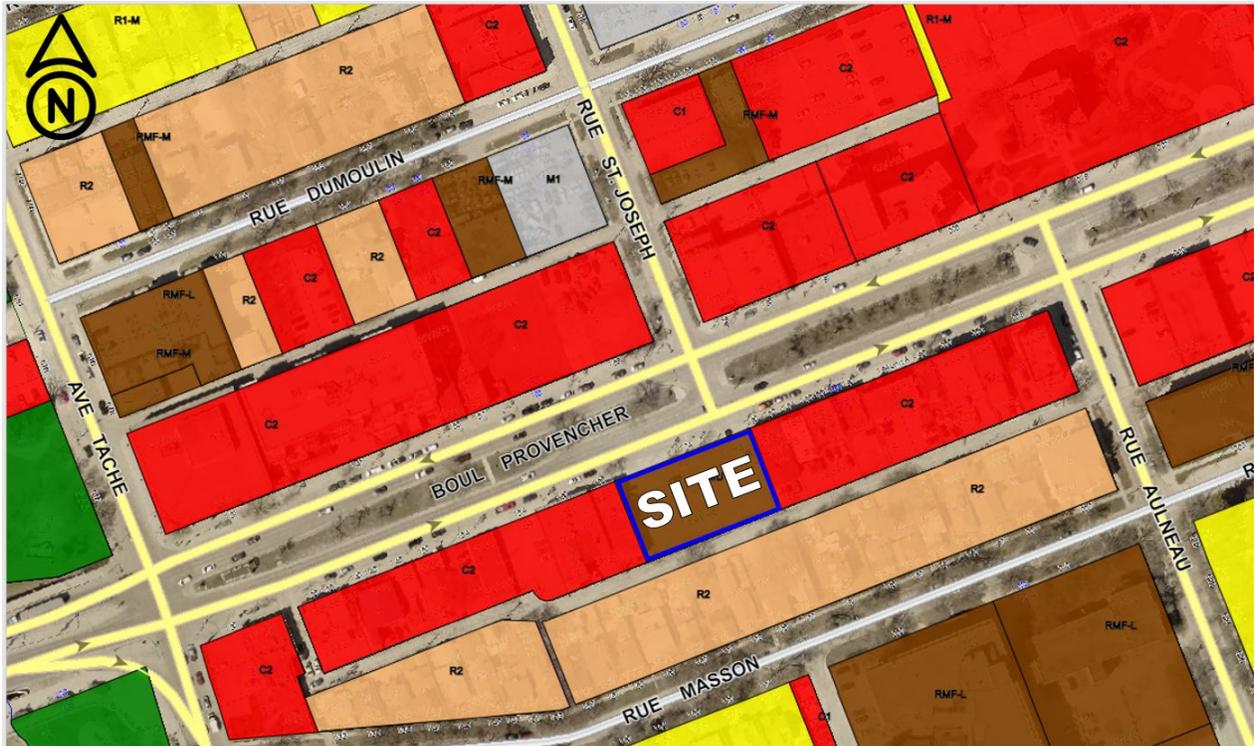


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct a 4-storey multi-family residential building with 45 residential units (530-700 square feet), and two commercial units at grade. The proposed building will be approximately 48.35 feet tall all its highest point.
- The applicant proposes to provide parking at grade behind the building, with a portion located below the building. Access is taken from a gravel lane.
- A 6 foot tall privacy fence is proposed to screen the accessory parking area along the east and west property lines.
- The applicant is proposing 39 parking stalls; including 3 accessible parking stalls and one accessible van stall. Of these, 18 are small car parking stalls and one is a car share stall.

- A lockable indoor bicycle parking room is proposed in the lobby area to accommodate up to 12 resident's bicycles. Additional bicycle parking is available on street for commercial uses and for visitors.
- Landscaping is proposed to be provided in planters in façade recesses, including 18 Boxwood shrubs, 4 Firelight Hydrangea shrubs, 2 Emerald n' Gold Euonymus Wintercreeper shrubs, and 2 Virginia Creeper vines. In the accessory parking area behind the building, 8 Ninebark shrubs are proposed.
- In addition, the applicant has agreed to provide a silva cell for one Bur Oak tree in the public boulevard facing Provencher Boulevard to offset the removal of 2 boulevard trees that are located along the front property line.
- A fenced garbage area will be located along the south property line directly abutting the public lane. The applicant has indicated that private refuse collection will be arranged for the commercial and residential units.
- The applicant has provided detailed site plans and elevations, and a colour rendering.

COLLABORATION

- The applicant consulted with the Public Service to arrive at a mutually agreeable design, and met with the Old St. Boniface Residents' Association (OSBRA), and with neighbouring property owners.
- The applicant has consulted with Public Works to confirm the location of a silva cell tree to be provided in the public boulevard facing Provencher Boulevard considering proper growing conditions for a boulevard tree. The location of the proposed tree is indicated in the drawings provided.
- In addition, the applicant has conferred with Peg City Car Co-op, and has obtained a Letter of Agreement in Principle.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- *The Complete Communities Direction Strategy 2.0* (CCDS 2.0) is a citywide secondary plan that guides growth, development, and land use in the city of Winnipeg.
- This portion of Provencher Boulevard is designed as Urban Mixed-Use Corridor in *CCDS 2.0*. Corridors are targeted segments of major roadways that, due to their excellent transit service via the Primary Transit Network as well as robust commercial opportunities, provide the best opportunity for mixed use intensification outside of the Downtown, providing a wide range of transportation options and will be vibrant destinations for people to live, work, and play. They will be designed to provide a comfortable pedestrian environment and attractive public realm.
- The following policies are applicable to the subject application:

C2. Corridors

1.0 *Encourage strategic residential intensification on Corridors.*

1.1 *Support densities in accordance with Policy 3.1 of the General Growth section, at a height and scale compatible with surrounding land uses:*

- 3.0 *Align maximum permitted multifamily residential densities with transit.*
- 3.1.2 *Medium multifamily residential densities may be encouraged in proximity to the existing and planned Primary Transit Network. Support the highest densities in this range in closest proximity to transit stations.*
- 3.1.3 *Multifamily residential densities elsewhere in the Urban Structure will be directed in accordance with other policies from other sections of this By-law.*
- 3.1 *Ensure that development on Urban Mixed Use Corridors is designed to prioritize a comfortable pedestrian environment and attractive public realm through the use of design elements which may include, but are not limited to the following:*
 - 3.1.1 *Providing minimal building setbacks from the public right-of-way to define the street edge.*
 - 3.1.2 *Having entrances provide direct access to the public sidewalk.*
 - 3.1.3 *Promoting a fine-grained and transparent street-level façade with active ground floor uses.*
 - 3.1.4 *Encouraging balconies and public spaces, such as plazas, patios, or other pedestrian amenities.*
 - 3.1.5 *Minimizing impacts of vehicular access and parking on the pedestrian environment by having vehicular access off of existing lanes.*
 - 3.1.6 *Encouraging the location of parking above- or below-grade, or behind the primary building. Parking located beside the building may be acceptable if the parking area occupies a minimal area and high-quality screening from the public right-of-way is provided.*
 - 3.1.7 *Promoting pedestrian-scale signage.*
- 3.2 *Fine-grained local commercial uses and vertical mixed-use buildings with ground floor commercial uses will be encouraged.*
- 3.4 *Mitigate negative shadow impacts and ensure adequate sunlight penetration experienced by rear- and side-adjacent residential properties and the public sidewalk by:*
 - 3.4.1 *Using Corridor right-of-way width as a guide to determine maximum building height, where appropriate.*
 - 3.4.2 *Using upper-level building step backs, where appropriate.*
- 4.0 *Use Corridors to provide local commercial amenities and opportunities for the surrounding neighbourhood and community.*
 - 4.1 *Maintain ground floor commercial space when redeveloping properties in Urban Mixed Use Corridors.*
- 4.4 *Support and protect Corridors' continued retail and service function by encouraging retail and service use intensification and by supporting reinvestment in existing Corridors.*
- 4.5 *Encourage the location of the most active retail and service uses to ground floor commercial spaces, and direct less active uses above-grade.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Boulevard Provencher Planned Development Overlay 1

- The subject site is on the south side of Provencher Boulevard and falls within the Boulevard Provencher Planned Development Overlay area.
- The purpose of this overlay is to encourage the protection of Provencher Boulevard with its cultural and historic significance to the French community as the neighbourhood main street for St. Boniface.
- In order to support the vision of the PDO, final plans and elevations must be submitted to the Director of Planning, Property and Development and the Riel Community Committee for review prior to the issuance of a development permit on the site.

“RMU” – Residential Mixed-Use Zoning District

- The intent of the Residential Mixed-Use (RMU) district is to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development.
- The following dimensional standards within the PDO-1 Boulevard Provencher apply: a maximum height of 80 feet; a minimum 50 feet between the street right-of-way and any parking area; a maximum 15 feet between the street right-of-way and the front building façade; and no required side or rear yard. The dimensional standards for density in the RMU zone apply where the minimum lot area per dwelling unit is 500 square feet.

Requested Variances

- The minimum lot area per dwelling unit in the RMU zone is 500 square feet. The applicant is proposing a lot area per dwelling unit of 362 square feet. As such, a variance is required.
- The applicant is proposing to extend a portion of the building to the rear property line, resulting in no rear yard instead of instead of 25 feet, therefore a variance is required.
- Section 190(2) of the Zoning By-law outlines street edge landscaping requirements. Per the Zoning By-law, 24 shrubs and 5 trees are required along the boulevard Provencher frontage. The applicant is proposing to provide 24 shrubs and no trees. As such, a variance is required.
- Within the Boulevard Provencher Planned Development Overlay area, a minimum separation space of 50 feet is required between the street right-of-way and the accessory parking area. The applicant is seeking a setback of 30 feet instead of a minimum 50 feet between the street right-of-way and the proposed parking area. As such, a variance is required.
- The proposed mixed use development is required to provide 46 parking stalls. The applicant is proposing 39 parking stalls. As such, a variance is required.
- Ten percent of the required parking spaces must be assigned visitor parking. The applicant is proposing no visitor parking spaces instead of 4 spaces. As such, a variance is required.
- A maximum of 25 percent of the total number of parking spaces may be reduced in length to 16 feet and designated for small cars only. The applicant is proposing to include 18 small car stalls instead of the permitted 13 stalls. As such, a variance is required.

- Section 190(8) specifies buffering requirements for parking areas within 20 feet of a side or rear lot line abutting or adjacent to a residential zoning district. The applicant is proposing to locate parking and drive aisles directly from the lane with no buffering along the rear property line. As such, a variance is required.

ANALYSIS OF VARIANCES

Lot Area per Dwelling Unit

- The City's planning and regulatory framework, *Complete Communities 2.0*, was structured to prioritize growth in areas that offer the highest quality transit service as well as access to existing services and amenities. For example, in the downtown, the focal point of the City's transit network, density is not regulated; and at rapid transit stations there is the potential to rezone to the Transit Oriented Development ('TOD') zoning district where 200 square feet of lot area per dwelling unit is permitted.
- The applicant has requested a density variance of 362 square feet of lot area per dwelling unit which allows 45 residential units instead of the 500 square feet of lot area per dwelling unit permitted under the 'RMU' zone which would allow 32 units.
- While the subject property is not in the downtown or at a rapid transit station, it is still considered a priority area for growth.
- The proposed development introduces housing options and intensification along a corridor in a way that complements adjacent commercial and residential uses. In addition, it bridges a gap in the commercial strip along the south side of Provencher Boulevard. It will provide density that will support a more vibrant, pedestrian-oriented boulevard Provencher. For these reasons, the Urban Planning and Design Division supports the proposed density variance.
- In addition, the Urban Planning Division is also supportive of the requested density variance for the following reasons:
 - The site is located within walking distance (i.e., less than 400m) to the downtown;
 - The site has access to quality transit service and the Winnipeg Transit Master Plan proposes significantly improving the all-day frequency of transit service on boulevard Provencher;
 - The site is located in close proximity to high quality pedestrian/cycling routes;
 - The site is also within walking distance to a number of commercial businesses, community and cultural amenities, as well as prominent institutions such as the Université de Saint-Boniface and the St. Boniface Hospital.

Reduced Rear Yard

- The proposed design includes two "wings" and exit stairs that extend to the rear property line, resulting in no rear yard instead of 25 feet. The proposed design results in a divided massing that orients the bulk of the proposed building toward Provencher Boulevard with two corridors of residential units that extend to the rear property line (+/-58 feet and 32 feet in width). It is not anticipated that the proposed rear yard setback will have a negative impact on the abutting commercial properties. As a result, the Urban Planning & Design Division is supportive of the requested rear yard variance.

Reduced Setback to Parking

- The Urban Planning Division is supportive of varying the setback between the street right-of-way and the proposed parking area from 50 feet to 30 feet because the proposed parking area is buffered from the street right-of-way by the commercial use at grade.
- While it is difficult to fulfill this PDO requirement for a mixed use commercial and residential building given the lot size and geometry, this parking arrangement meets the intent of the PDO by placing parking behind the proposed commercial use.

Insufficient Street Edge

- The Urban Planning and Design Division is supportive of the variance to provide insufficient street edge landscaping noting the site is designed to create a more pedestrian-friendly, active street edge which makes it challenging to comply with the street edge landscaping requirement especially as it pertains to the planting of trees.
- The applicant is proposing a zero lot line to the proposed building, consistent with the setback of adjacent commercial properties along the south side of Provencher Boulevard. As a result, there is inadequate space to meet the street edge landscaping requirements of the *Winnipeg Zoning By-law* (24 shrubs and 5 trees).
- The proposed design includes three recesses in the façade within which built-in planters are proposed to provide 24 shrubs. In addition, the applicant has consulted with Public Works regarding the provision of one Bur Oak in a Silva Cell in front of the proposed building within the Provencher Boulevard right-of-way. The location of the proposed tree is indicated on the drawings provided.

Insufficient Parking and Visitor Parking

- The Urban Planning and Design Division is supportive of reducing the number of accessory parking spaces from 46 to 39, as well as providing no visitor parking stalls instead of 4 visitor stalls at this location for the following reasons:
 - The site is located in a highly walkable neighbourhood with a number of commercial businesses, community and cultural amenities, as well as major employment and educational institutions such as the Université de Saint-Boniface and the St. Boniface Hospital within walking distance to the development.
 - The site is located within walking distance to the downtown;
 - The site has access to quality transit service and the Winnipeg Transit Master Plan proposes significantly improving the all-day frequency of transit service on boulevard Provencher;
 - The site is located in close proximity to high quality pedestrian/cycling routes. The site is also located within the study area for the *St. Boniface to Downtown Walk Bike Project* which is currently looking at ways to improve travel choices, accessibility, and connectivity between the Esplanade Riel bridge and the multi-use path on Archibald Street;
 - The applicant is proposing to provide a car share stall and has provided a Letter of Agreement in Principle with Peg City Car Co-op.
 - has provided an Agreement The development is proposing to include a total of 12 bicycle parking stalls. At the request of the Urban Planning and Design Division, bicycle parking will be located in a secure indoor bicycle storage room in the lobby of the proposed building;

- Two hour on-street parking between the hours of 9:00 to 17:30 is available on boulevard Provencher for any patrons of the commercial units as well as any visitors of the residential units requiring vehicular parking.

Increased number of small car parking stalls

- The Urban Planning and Design Division is supportive of the proposal to include 18 small car stalls instead of the permitted 13 stalls, as the site is located in an area where a more compact, urban form of development is encouraged. To maximize the number of parking stalls in the parking area, an additional 26 small car parking stalls are required. These stalls will be clearly marked as small car stalls. As such, future tenants will be aware of the limitations of the stalls at the point of leasing.

Insufficient buffering

- The applicant is proposing to locate parking and drive aisles directly from the lane with no buffering along the rear property line, buffering is required using a 4 foot tall fence, wall or berm along the south property line adjacent to residential zoning district.
- This is not practical or necessary in the case of the subject proposal as the parking area abuts an approximately 20 foot wide public lane which acts as a buffer.
- It should also be noted that Section 190(7) is less applicable to small scale commercial projects along corridors like Boulevard Provencher where a mix of residential uses next to non-residential uses is common.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division **approves** for the following reasons:

- (a) is consistent with Plan Winnipeg and any applicable secondary plan;
In that, the applicant is proposing to develop the site in a manner that is consistent with the policies guiding development along Urban Mixed Use Corridors under the Complete Communities Direction Strategy 2.0.
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
In that, the proposed variances will not have a substantial adverse impact on the amenities, use, safety and convenience of adjacent properties.
- (c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and
In that, the proposed variances are required to relieve the injurious effect of the zoning by-law and to meet the goals and objectives of Complete Communities Direction Strategy 2.0.
- (d) is compatible with the area in which the property to be affected is situated.
In that, the applicant is proposing to develop the site in a manner that is consistent with the policies guiding development along Urban Mixed Use Corridors under the Complete Communities Direction Strategy 2.0 and the Boulevard Provencher PDO-1. The proposal also “stitches” the Provencher Boulevard frontage respecting and complimenting adjacent uses.

CONSULTATION

In preparing this report there was internal consultation with: N/A

OURWINNIPEG 2045 POLICY ALIGNMENT

City Building Objective 1. Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals:

Facilitate growth and change strategically within Winnipeg's unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan's goals.

City Building Objective 3. Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset:

New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to healthy food, daily needs, employment, education, recreation, and green infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

- **Key Direction 4.1:** Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service
- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

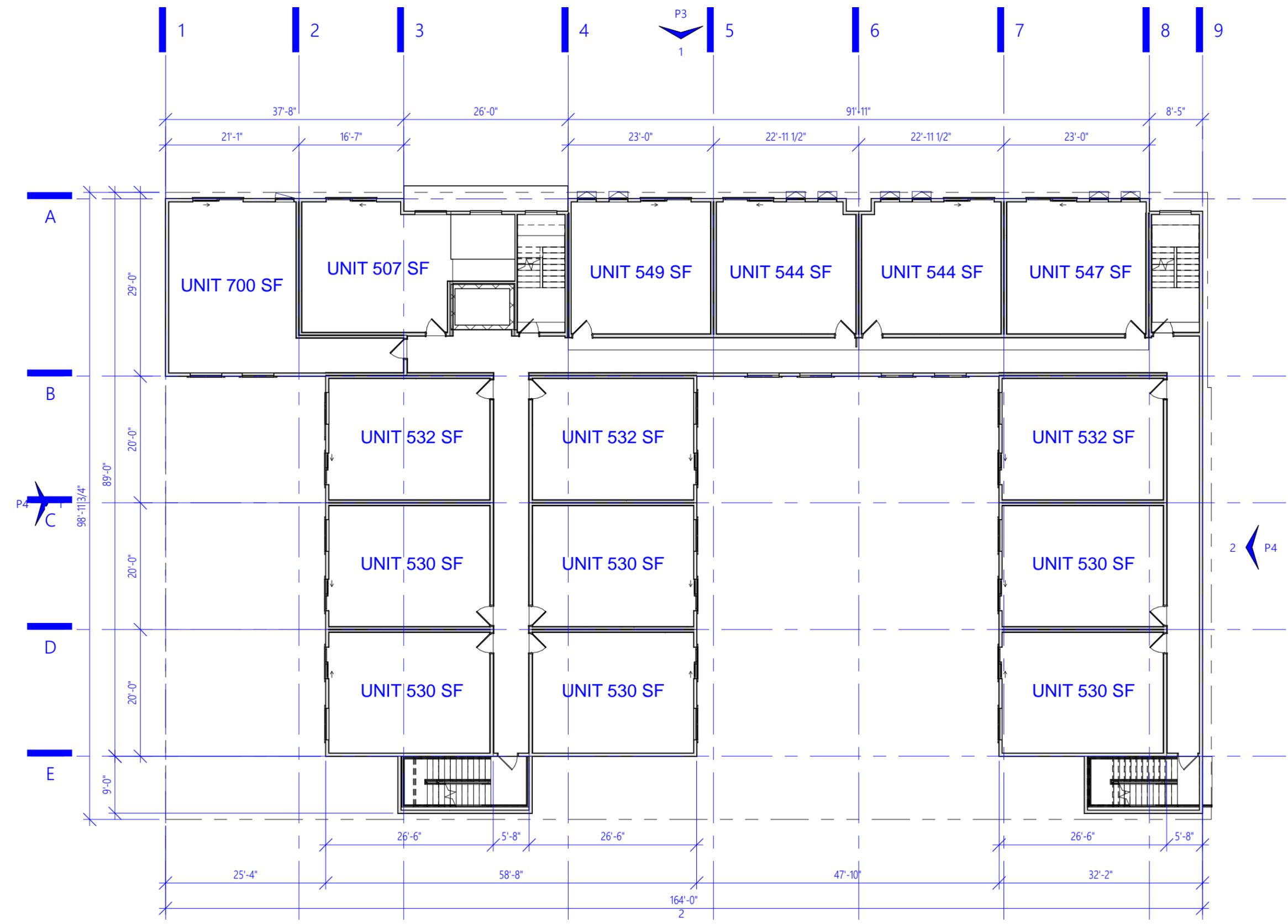
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Simi Jerez, MCP
Date: Wednesday, May 17, 2023
File No. DAV 21-197719\C



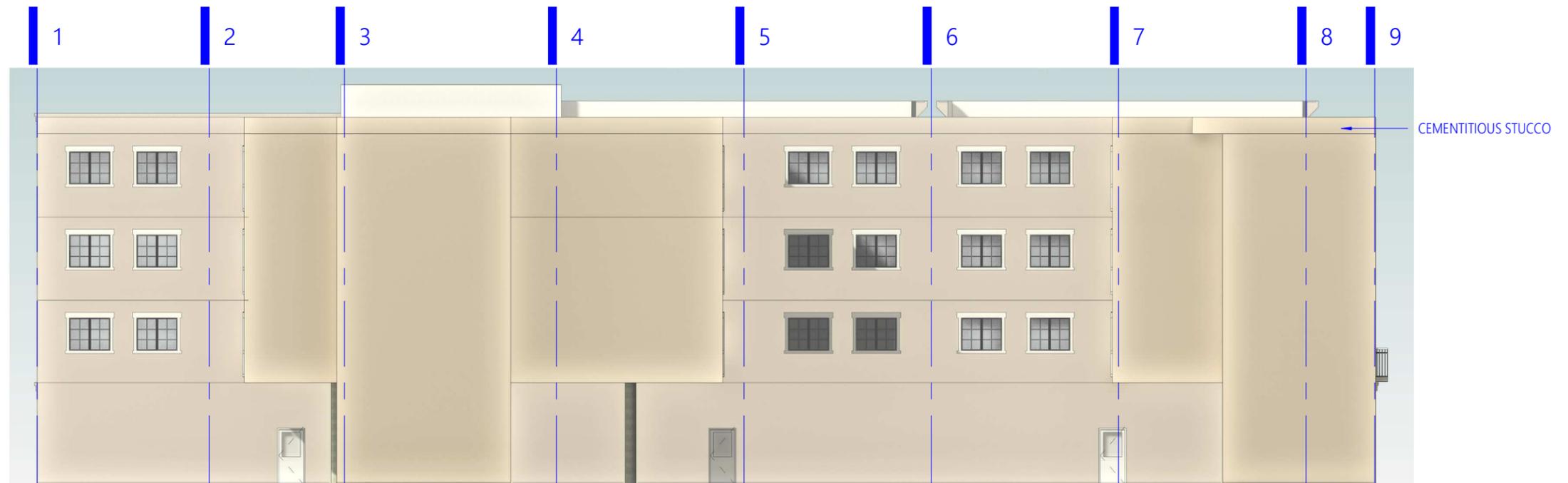
174 PROVENCHER PARKING ANALYSIS
 45 MULTI-FAMILY UNITS x 1.20 = 54 STALLS REQUIRED / 15 SHORT PERMITTED
 (2) COMMERCIAL UNITS x (2) STALLS = (4) STALLS REQUIRED
 58 TOTAL STALLS REQUIRED x 0.80 (FOR CMU ZONING) = 46 TOTAL STALLS REQUIRED / 15 SHORT PERMITTED
 39 TOTAL STALLS PROVIDED INCLUDING 21 SHORT
 (3) ACCESSIBLE PARKING STALLS REQUIRED / (1) VAN ACCESSBLE STALL REQUIRED
 (3) ACCESSIBLE STALLS PROVIDED / (1) VAN ACCESSIBLE STALL PROVIDED
 (6) BICYCLE STALLS REQUIRED / (12) BICYCLE STALLS PROVIDED



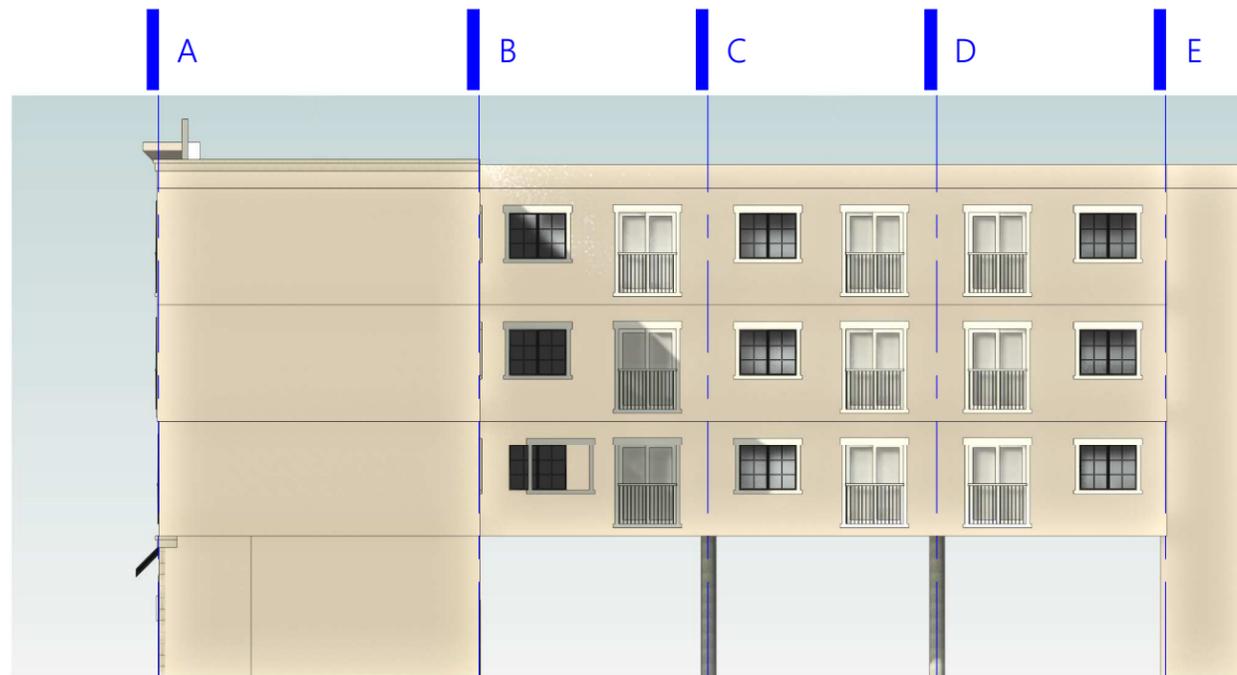
1 LEVEL 200-400 1/16" = 1'-0"



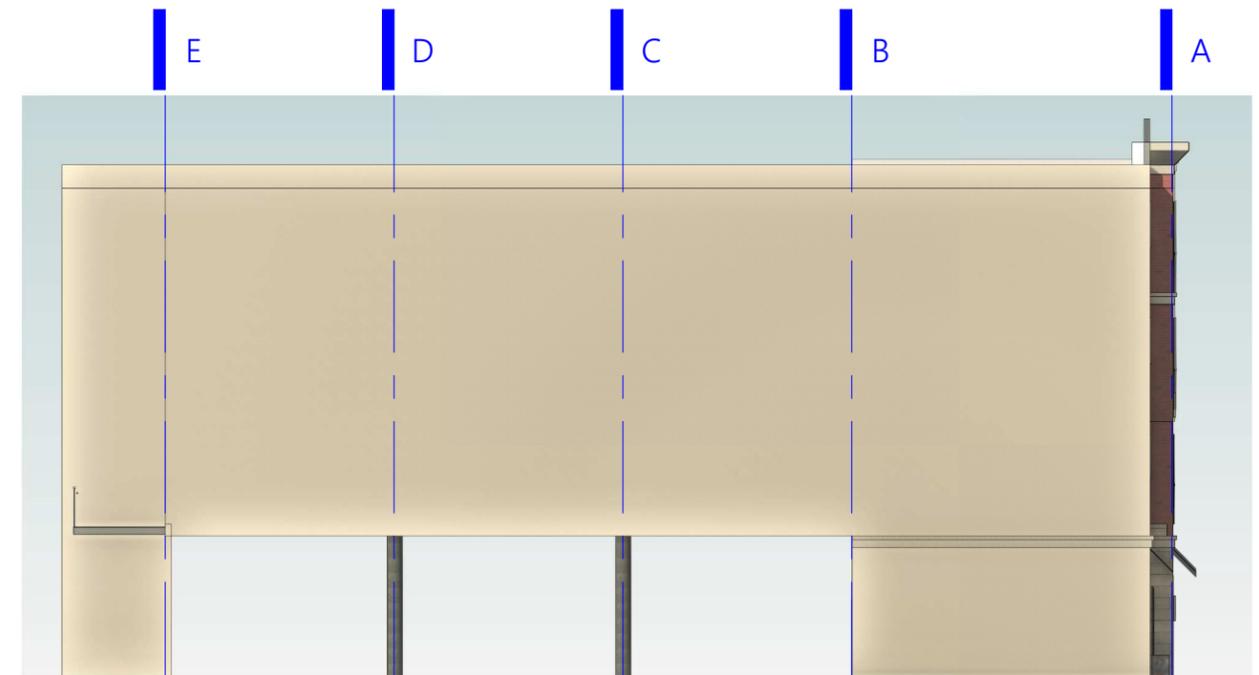
1 NORTH 1/16" = 1'-0"



2 SOUTH 1/16" = 1'-0"



1 WEST 1/16" = 1'-0"



2 EAST 1/16" = 1'-0"



1 STREETScape 3/64" = 1'-0"