



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: March 14, 2017
Contact: Kent Munro
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RTS No.: 11982
VanRIMS No.: 08-2000-20
Meeting Date: April 11, 2017

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue

RECOMMENDATION

- A. THAT the application by GBL Architects, on behalf of Hanbu Enterprises Ltd., to rezone 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue [*Lot A, Block 4, North West 1/4 of Section 50 Town of Hastings Suburban Lands Plan 10246; PID: 009-585-061*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.20 to 3.16 and the building height from 10.7 m (35 ft.) to 20.4 m (67 ft.) to permit the development of a six-storey mixed-use building with at-grade commercial uses and 98 secured for-profit affordable rental housing units, be referred to a public hearing, together with:
- (i) plans prepared by GBL Architects, received May 18, 2016, with amendments received on November 18, 2016;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the Acting General Manager of Planning, Urban Design and Sustainability to approve the application, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at the public hearing.

- B. THAT, if after public hearing Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the

applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by this report.

- C. THAT, if the application is referred to a public hearing, the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule B of the Sign-By-law [assigning Schedule B (C-1)], generally as set out in Appendix C, be referred to the same public hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally as set out in Appendix C, for consideration at the public hearing.

- D. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of the enactment of the CD-1 By-law.

- E. THAT Recommendations A through D 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, 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.

REPORT SUMMARY

This report evaluates an application to rezone a site located at 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to permit development of a six-storey mixed-use building with commercial uses at grade and 98 secured for-profit affordable rental housing units above. This proposal is being considered under the City's *Affordable Housing Choices Interim Rezoning Policy* (AHC policy) and, if approved, all rental housing units would be secured for the longer of the life of the building and 60 years. The application also seeks incentives available for for-profit affordable rental housing, including a waiver of the Development Cost Levy (DCL) and a parking reduction.

This application responds to the recommendations arising from the Mayor's Task Force on Housing Affordability and the resulting policy. Approval of this application would contribute 98 units towards the City's *Vancouver's Housing and Homelessness Strategy* that encourages a range of housing options to meet the needs of diverse households. The application is also

consistent with the DCL By-law definition of 'For-Profit Affordable Rental Housing' for which DCLs may be waived. The site is located on Rupert Street, a major arterial route, directly east of the Rupert Street and East 22nd Avenue shopping area.

Staff recommend that the application be referred to a public hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the public hearing, along with the conditions of approval outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this site include:

- Housing and Homelessness Strategy (2011);
- Final Report from the Mayor's Task Force on Housing Affordability (2012);
- Affordable Housing Choices Interim Rezoning Policy (2012, amended in 2016);
- Rental Incentive Guidelines (2012, amended 2016);
- Renfrew-Collingwood Community Vision (2004);
- C-1 District Schedule and Guidelines (2013);
- C-2 District Schedule and Guidelines (2013);
- High-Density Housing for Families with Children Guidelines (1992);
- Green Buildings Policy for Rezoning (2010, amended 2014);
- Vancouver Development Cost Levy By-law No. 9755 (2008, amended 2016); and
- High-Density Housing for Families with Children Guidelines (1992).

REPORT

1. Site and Context

This 2,703 sq. m (29,095 sq. ft.) site is located on the southeast corner of East 22nd Avenue and Rupert Street in the Renfrew-Collingwood community (see Figure 1). The site fronts public streets on all three sides with a 33.5 m (110 ft.) frontage on East 22nd Avenue, 260 m (853 ft.) along Rupert Street, and 33.5 m (110 ft.) on East 23rd Avenue. The site slopes down 12 feet from the southwest corner to the northwest corner. Currently, the site contains a one-storey commercial building, over 50 years old, with several retail tenants, including Chong Lee Market and surface parking. A lane runs along the eastern property line, separating the site from detached houses to the east. The northwest corner of East 22nd Avenue and Rupert Street contains a one-storey commercial building with surface parking, zoned C-1 and the southwest corner a newer three-storey mixed-use building also zoned C-1. Renfrew Elementary School is across East 22nd Avenue. The rest of the surrounding area is zoned RS-1.

This area is a local, neighbourhood-serving commercial hub that offers convenient access to day-to-day retail needs within a residential neighbourhood. The Renfrew-Collingwood Community Vision identifies this corner as a "mini-node" and promotes strengthening it as a neighbourhood shopping area and special community place. Direction 20.3 allows consideration of expanding the commercial area and adding more residential options around the "mini-node" to help support retail activity.

This site is well served by two bus routes and two bike routes, both on East 22nd Avenue and Rupert Street. The Rupert SkyTrain Station and the 29th Avenue or Nanaimo SkyTrain Stations are also near, between 1 and 1.5 kilometres away.

Figure 1 – Site and Surrounding Context



2. Policy Context

Housing and Homelessness Strategy – On July 29, 2011, Council endorsed the *Housing and Homelessness Strategy 2012-2021* which includes strategic directions to increase the supply of affordable housing and to encourage a housing mix across all neighbourhoods that enhances the quality of life in the city. There are priority actions to achieve some of the strategy's goals. The priority actions that are relevant to this application include refining and developing new zoning approaches, development tools and rental incentives to continue the achievement of secure, purpose-built rental housing and to use financial and regulatory tools to encourage a variety of housing types and tenures that meet the needs of diverse households. This application proposes one-bedroom, two-bedroom and three-bedroom unit types that would be preserved as secured for-profit affordable rental housing through a housing agreement.

Affordable Housing Choices Interim Rezoning Policy – On October 3, 2012, Council approved the *Affordable Housing Choices Interim Rezoning Policy* (AHC policy) aimed at encouraging innovation and enabling real examples of affordable housing types. These examples will be tested for potential wider application to provide ongoing housing opportunities across the city. This policy is one component of a broad action plan that responds to the recommendations of the Mayor's Task Force on housing affordability by delivering a set of actions to address the challenges of housing affordability in the city. Rezoning applications considered under the AHC policy must meet a number of criteria regarding affordability, location and form of development (see AHC policy location map in Appendix F).

Under this policy, projects can be considered for mid-rise forms up to a maximum of six storeys on sites that are fronting on arterials that are well served by transit and within close

proximity (i.e. a five minute walk or 500 metres) of identified neighbourhood centres and local shopping areas and ground-oriented forms up to 3.5 storeys on sites within 100 m of an arterial. Proposals are subject to urban design performance (including consideration of shadow analysis, view impacts, frontage length, building massing, setbacks, etc.). A maximum of two AHC policy projects will be considered within a 10 block radius on an arterial, and a maximum of 20 projects will be reviewed by Council before staff are instructed to report back with an analysis of the policy. Council has approved five AHC policy projects to date, none of which are within a 10 block radius of Rupert Street and East 22nd Avenue.

Renfrew-Collingwood Community Vision — In 2004, Council approved the *Renfrew-Collingwood Community Vision*, which includes several directions (20.1, 20.3, 20.7, and 20.12) around expanding commercial areas, increasing residential uses, improving pedestrian safety (i.e. wider sidewalks and more street trees), and supporting supermarkets as important “anchors” at mini-nodes (commercial areas that provide convenience retail close to homes).

C-1 District Schedule and Guidelines — The intent of this Schedule is to provide for small-scale convenience commercial establishments, catering typically to the needs of a local neighbourhood and consisting primarily of retail sales and certain limited service functions, and to provide for dwelling uses designed compatibly with commercial uses. Although this application proposes greater building height than anticipated in the C-1 regulations, the proposed mixed-use, six-storey form and the proposal for secured rental housing is considered to be in keeping with the land use intent for the area.

Strategic Analysis

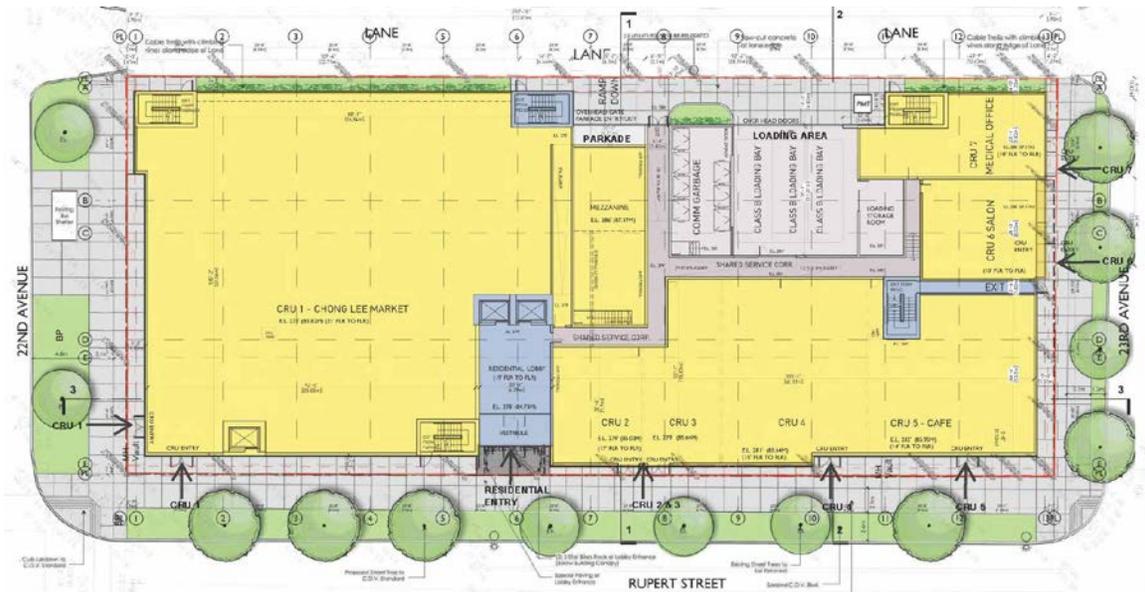
1. Proposal

This rezoning application proposes a six-storey mixed-use building with commercial retail units at grade and residential units above, at an overall density of 3.16 FSR (see Figure 2). To respond to the grade changes on Rupert Street and reduce massing and height, the proposal is five-storeys towards 22nd Avenue and six-storeys towards 23rd Avenue.

The commercial frontage on Rupert Street will be activated by setting back several retail entrances to allow for produce displays or patios. The application proposes to retain and renew the Chong Lee grocery store as well as all the other existing retail units currently on site. Several additional retail units will also be provided in the new building.

In total, the application proposes 98 for-profit affordable rental housing units (34% of the units are family-oriented) and 2,005 sq. m (21,584 sq. ft.) of commercial floor area over two levels of underground parking accessed from the side lane.

Figure 2 – Site Plan



2. Housing

The *Housing and Homelessness Strategy* strives to enhance access to affordable housing and sets a number of short- and long-term rental housing targets. The *Affordable Housing Choices Interim Rezoning Policy* (AHC policy) plays a role in the achievement of those targets by helping to realize secured market rental housing. Affordability in this context of the policy and this application, relates to the delivery of secured rental housing which provides a more affordable housing option for nearly half of Vancouver's population and contributes to a number of City initiatives intended to create diverse and sustainable communities. AHC policy units are targeted to moderate income households and the program extends throughout all parts of the city, thereby providing options that are more affordable than home ownership.

Rezoning applications considered under the AHC policy must meet a number of criteria regarding affordability, location and form of development (see Affordable Housing Choices policy location map in Appendix F). Housing staff have evaluated this application and determined that it meets the objectives of the AHC policy program, including the location criteria where a development of up to six storeys with secured, for-profit affordable rental housing can be considered.

The application proposes to meet the affordability criteria of the AHC policy by securing 100% of the proposed rental units through a Housing Agreement for 60 years or the life of the building, whichever is longer, and by applying for a DCL Waiver which regulates maximum size and rents by unit type and hard construction costs.

The proposal would deliver 98 secured market rental housing units in the form of one bedroom, two bedrooms, and three bedrooms. Family units are to be designed in accordance with the *High Density Housing for Families with Children Guidelines*. This application proposes 29 two-bedroom and four three-bedroom units (30% and 4% of the overall units are

two-bedroom and three-bedroom units respectively). These units are suitable for families with children and will help meet the need for family rental housing in the city. On July 13, 2016, Council adopted *Family Room: Housing Mix Policy in Rezoning Projects*. The policy includes new family housing requirements which increase the number of family units in rental projects from 25% to 35%. This application was received prior to the new family housing requirement policy; it is subject to the 25% target.

All 98 units would be secured through a Housing Agreement and/or a Section 219 Covenant for the longer of the life of the building and 60 years. Covenants will be registered on title to preclude the stratification and/or separate sale of individual units. The addition of 98 new secured for-profit affordable rental housing units to the City's inventory of market rental housing contributes toward the near-term and long-term targets of *the Housing and Homelessness Strategy* (see Figure 3). Conditions related to securing the units are contained in Appendix B.

Figure 3 – Progress Toward the Secured Market Rental Housing Targets as set in the Housing and Homelessness Strategy 2012-2021 (December 31, 2016)

	Target (2012-2021)	CURRENT PROJECTS				GAP
		Completed	Under Construction	Approved	Total	Above or Below 2021 Target
Secured Market Rental Housing Units	5,000	1,629	2,457	2,482	6,568	1568 Above Target

*Unit numbers in Figure 3 exclude the units proposed at (3868-3898 Rupert Street and 3304-3308 East 22nd Avenue), pending Council approval of this rezoning application.

Vancouver has one of the lowest vacancy rates in Canada. In the fall of 2016, the vacancy rate in the city was 0.8%. That means only 8 out of every 1,000 market rental units were empty and available for rent. A vacancy rate of 3% is considered to be a balanced rental market. The vacancy rate in Renfrew-Collingwood neighbourhood was also very low at 0.8%.

This application includes one-bedroom, two-bedroom, and three-bedroom apartments. The applicant proposes that the one-bedroom units would rent for \$1,476, the two-bedroom units would rent for \$2,080 and the three-bedroom would rent for \$2,372 per month. Figure 4 compares initial rents proposed for units in this application to average and estimated costs for similar units. When compared to average rents in newer buildings in the east area of Vancouver, the proposed rents are lower for the one-bedroom units and essentially on par for the two-bedroom units. In terms of the comparison to home ownership costs, the proposed rents in this application will provide an affordable alternative to homeownership for all unit types.

Figure 4 – Comparable Average Market Rents and Home-Ownership Costs

	3868-3898 Rupert St Average Proposed Rents	Average Market Rent in Newer Buildings - Eastside (CMHC, 2016) ¹	DCL By-Law Maximum Averages - Eastside (CMHC, 2016) ²	Monthly Costs of Ownership for Median- Priced Unit - Eastside (BC Assessment 2016) ³
1-bed	\$1,476	\$1,592	\$1,747	\$2,388
2-bed	\$2,080	\$1,980	\$2,308	\$3,375
3-bed	\$2,372	No data available	\$3,030	\$5,093

1. Data from the October 2016 CMHC Rental Market Survey for buildings completed in the year 2007 or later on the Eastside of Vancouver
2. For 1- and 2-bedroom units, the maximum DCL rents for the Eastside of Vancouver are the average rents for all residential units built since the year 2005 city-wide as published by CMHC in the Fall 2016 Rental Market Report. For 3-bedroom units, the maximum DCL rents for the Eastside of Vancouver are the average rents for all residential units built since the year 2000 city-wide as published in CMHC's website "Housing Market Information Portal" for 2016.
3. Based on the following assumptions in 2016: median of all BC Assessment recent sales prices in Vancouver Eastside in 2016 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150 - 250 monthly strata fees and monthly property taxes at \$3.17 per \$1,000 of assessed value.

The DCL By-law allows for rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum allowable increases under the Province's *Residential Tenancy Act*. A final rent roll that sets out the initial monthly rents for all units will be required prior to issuance of the occupancy permit in order to ensure compliance with the maximum increases authorized by Section 3.1B(c) of the DCL By-law. After occupancy, rent increases are regulated by the *Residential Tenancy Act*. Through the Development Permit application process, the City will ensure that average unit sizes do not exceed the maximum thresholds set out by DCL By-law.

3. Density, Height and Form of Development (see application drawings in Appendix G)

Figure 5 - Proposal Looking Southeast from Rupert Street and East 22nd Avenue



The *Affordable Housing Choices Interim Rezoning Policy* allows this site to be considered for a mixed use/affordable housing development up to six storeys in height, subject to urban design performance and neighbourhood support. The proposed building has a stepped massing, with five-storeys at the north end of the site, and six-storeys at the south end of the site. As the policy does not itself contain design guidelines, staff are directed to consider the intent and guidelines of the base zoning (C-1).

Staff have concluded that the density and massing are appropriate for this site. The proposed development has a commercial podium with one "anchor" tenant, the existing Chong Lee grocery store, at the north corner, taking advantage of higher retail ceiling heights. Smaller, street-fronting retail spaces are located in the southern half of the building, where the main floor steps up to follow the 12 feet rise in grade. All three frontages will be activated with retail and a supporting public realm treatment. Parking and loading are accessed from the lane, in an alcove with rolling doors, to mitigate the impact on adjacent residential properties. A four foot landscape setback will improve the lane environment, as will windows at the building corners and substantial planters along the parapet of the podium (above the first floor).

The upper storeys consist of secured market residential units. A partial 6th storey is substantially set back at the north end (approximately one third of the floorplate) to reduce height and massing. To further reduce visual impacts on the adjacent properties, the massing is set back from the east property line - a minimum 24 feet at levels two and three, increasing to 44 feet at levels 5 and 6 (see Figure 6). The uppermost two levels are also set back six feet along all three street frontages, to create a four-storey streetwall that better relates the surrounding, lower-scale streetscape.

Figure 6 - Proposed Development looking southwest from the lane and 22nd Avenue



Indoor and outdoor amenities are located on level 5, and a children's play area and urban agriculture are located on the podium roof at level 2. Staff appreciate the generous provision of common spaces, but recommend that the children's play area be moved to the 5th storey roof where it will have better solar exposure, and cause fewer noise issues.

An earlier version of the application was reviewed by the Urban Design Panel on August 10, 2016, and was not supported due to its higher density and greater impacts on nearby properties. The applicant revised their proposal and resubmitted it to the Urban Design Panel on December 14, 2016, and it was supported (see Appendix D). Key design changes include:

- Reduction in FSR from 3.60 to 3.16.
- Reduction in building mass and height.
- Increased landscape setback at the lane. Further setbacks on levels 3, 4 and 6.
- Loading and garbage facilities consolidated and set back 13 feet from the lane.
- Public realm improvements along the storefront.

Staff conclude that the design now responds well to the goals of the AHC policy and the C-1 Design Guidelines, and so support this application, subject to the conditions outlined in Appendix B. The conditions include relocating the children's play area, improvements to the residential entry, and refinements to the architectural expression and detailing.

4. Transportation and Parking

The current parking lot for the Chong Lee grocery store has 45 parking spaces and is often congested with shoppers from Vancouver and Burnaby. The application proposes two levels of underground parking accessed from the lane to the east. A total of 137 vehicle parking spaces (67 commercial spaces and 70 residential spaces) and three loading bay are provided, as well as 150 bicycle parking spaces. These provisions meet the Parking By-law standards for commercial uses and for secured for-profit affordable rental housing, which allows for a reduced parking rate due to proximity to transit. It is noted that the on-site commercial parking on this site would increase from 45 to 57 stalls should this development proceed.

Engineering Services has reviewed the rezoning application and supports the proposal with conditions contained in Appendix B.

5. Environmental Sustainability

The *Green Buildings Policy for Rezoning*s (amended by Council on November 29, 2016) requires that residential rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy. These new requirements will be mandatory for all rezoning applications received on or after May 1, 2017. Applications received prior to May 1, 2017 may choose to meet this updated version of the policy or the preceding version.

This application has opted to satisfy the preceding version of the *Green Buildings Policy for Rezoning*s, which require rezoning applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the *Green Buildings Policy for Rezoning*s, indicating that the project

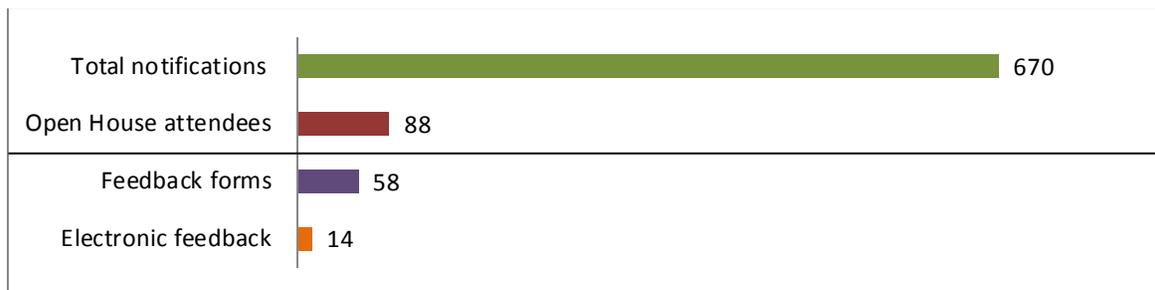
could attain the required LEED® points and, therefore, would be eligible for LEED® Gold rating.

PUBLIC INPUT

Public Notification – A rezoning information sign was installed on the site July 1, 2016. A total of 670 notifications were distributed within the neighbouring area on or about July 6, 2016 (see Figure 6).

In addition, notification and application information and an online comment form were provided on the City's Rezoning Applications webpage (vancouver.ca/rezapps). An open house was held on July 26, 2016. Staff, the applicant team, and a total of approximately 88 people attended the open house.

Figure 6 – Notification and Public Response



Public Response and Comments – Staff received a total of 72 written responses including open house comment sheets and email correspondence.

Support for the proposal cited the following:

- Support for rental housing

Concerns expressed about the proposal included:

- Proposed building height;
- Increased traffic congestion on the street and in the lane;
- Safety for cyclists and pedestrians, particularly accessing Renfrew Elementary School;
- Need for more two- and three-bedroom units; and
- Lack of on-site parking.

The applicant was asked to revise the application based on these public comments and advice from the Urban Design Panel. A revised application was submitted on November 18, 2016. Staff will hold a second open house on April 5th, 2017, to share these changes with the public. Changes to the submission include:

- Reduction in density from 3.60 to 3.16 FSR.
- Reduction in residential rental units from 113 to 98.
- Building height and massing reduced as follows:

- The 6th floor has been setback from East 22nd Avenue by approximately 68 feet.
- Building massing along the lane has been reduced from three-storeys to one-storey.
- The 'C-shaped' floor plan has been revised to a linear 'bar' building.
- Setback at the lane has increased from two to four feet for additional landscaping. Above this, the massing has been setback a further 27 feet on levels 3 and 4, and 43 feet on levels 4 to 6.
- Loading and garbage facilities have been consolidated and set back 13 feet from the lane, to reduce the impacts on the neighbouring single-family properties across the lane.
- Ground-floor setbacks have been added adjacent to the grocery store and café to create opportunities for public realm activation.
- Residential entry has been relocated from East 23rd Avenue to the centre of the building on Rupert Street to improve way-finding.
- Additional indoor and outdoor amenity spaces are now located on level 5.

The revised application has addressed many of the concerns expressed at the open house:

Building Height and Family Units

The AHC policy allows this site to be considered for up to 6 storeys in height, subject to urban design performance and neighbourhood support. The revised application responded to height concerns by reducing the building's mass along the lane from three storeys to one storey. The upper storey has also been set back from East 22nd Avenue by approximately 68 feet, significantly reducing the extent of the partial 6th floor. The revised application also increased the number of two- and three-bedroom units from 29% to 34%.

Traffic, Parking, and Pedestrian/Cyclist Safety

The Chong Lee grocery store will be continue to operate in the new building, along with all the other existing commercial units. The proposed development should also improve the congestion in the current parking lot and adjacent lane. The site currently has 45 commercial vehicle parking spaces; however the new development is proposing 67 spaces. Overall, the application is providing approximately 10 additional commercial parking spaces and five additional residential parking spaces beyond the requirements in the Parking By-law.

A transportation study was completed for the proposed development that reviewed both existing and future traffic movements in the area. The proposed development is expected to generate about one additional vehicle trip per minute in the morning peak hours and two additional trips per minute in the evening peak hours. Based on the study's findings and an awareness of the existing congestion issues at East 22nd Avenue and Rupert Street, Engineering is recommending left turn bays, eastbound and westbound, on East 22nd Avenue at Rupert Street to help increase capacity (see Appendix B, condition (c) 2 vi). It is expected that even with some additional traffic attributed to the redevelopment, the new turning bays will make the intersection function better than it does today.

By locating the parking underground, the number of conflict points between pedestrians and vehicles in the laneway will be reduced. Speed humps will also be provided in the east-west lane to discourage shoppers from using the residential lane (see Appendix B, condition (c) 2 viii)).

The application proposes several improvements to East 22nd Avenue and Rupert Street which will increase pedestrian comfort, including new lighting, wider sidewalks and curb ramps. Further, reduced congestion at the intersection through the new left turn bays should contribute to a more comfortable experience for cyclists and pedestrians.

PUBLIC BENEFITS

In response to City policies concerning changes in land use and density, this application addresses public benefits as follows.

Public Benefits - Required by By-law or Policy

Development Cost Levies (DCLs) – Development Cost Levies (DCLs) collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and engineering infrastructure.

This city-wide DCL rate at the time of application, effective until September 30, 2016, was \$143.27 per sq. m (\$13.31 per sq. ft.) for new residential or commercial space (other than qualifying for-profit affordable rental housing). If the applicant does not receive their Building Permit by September 30, 2017, then the DCL rate will change to the September 30, 2016 rate of \$149.73 per sq. m (\$13.91 per sq. ft.) Based on the rate prior to September 30, 2016, a DCL on the commercial space (2,005 sq. m or 21,584 sq. ft.) of approximately \$287,283 is anticipated.

The applicant has requested a waiver of the DCLs attributed to the for-profit affordable rental housing, in accordance with Section 3.1A of the Vancouver Development Cost Levy By-law. The total floor area eligible for the waiver is 6,545 sq. m (70,447 sq. ft.). The total DCL that would be waived is estimated to be approximately \$937,650. A review of how the application meets the waiver criteria is provided in Appendix G.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment on September 30 of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12 months from the date of DCL By-law rate amendment, provided that it has been submitted prior to the adoption of such DCL By-law rate adjustment. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply. See the City's [DCL Bulletin](#) for details on DCL rate protection.

Public Art Program – The *Public Art Policy for Rezoned Developments* requires that rezonings proposing a floor area of 9,290 sq. m (100,000 sq. ft.) or greater allocate a portion of their construction budgets to public art as a condition of rezoning. As the proposed floor area is below the minimum threshold, no public art contribution will arise from this application.

Public Benefits - Offered by the Applicant

Community Amenity Contributions (CACs) – Within the context of the City's Financing Growth Policy, an offer of a Community Amenity Contribution (CAC) to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include

either the provision of on-site amenities or a cash contribution towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

The public benefit achieved for this application is secured market rental housing. Real Estate Services staff have reviewed the applicant's development pro forma and have concluded that, after factoring in the costs associated with the provision of secured market rental housing units for the longer of the life of the building or 60 years, no further contribution towards public benefits is anticipated in this instance.

See Appendix H for a summary of all of the public benefits for this application.

FINANCIAL IMPLICATIONS

As noted in the Public Benefits section, there are no CACs or public art contributions associated with this rezoning.

The site is subject to the city-wide DCL rate at the time of application which was \$143.27 per sq. m (\$13.31 per sq. ft.) and it is anticipated that the commercial component of the project will generate approximately \$287,283 in DCLs. The residential component of the project qualifies for a DCL waiver under Section 3.1A of the Vancouver DCL By-law and the value of the waiver is estimated to be approximately \$937,650.

The for-profit affordable rental housing, secured by a Housing Agreement for the longer of the life of the building or 60 years, will be privately owned and operated.

CONCLUSION

Staff have reviewed the application to rezone the site at 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue from C-1 to CD-1 to increase the allowable density and height, permit a reduction in parking and a DCL waiver, thereby facilitating development of a building with 98 for-profit affordable rental housing units with retail at-grade, and conclude that the application is consistent with the *Affordable Housing Choices Interim Rezoning Policy*. If approved, this application would make a contribution to the achievement of key affordable housing goals of the City. The proposed form of development represents an appropriate urban design response to the site and is supportable. The Acting General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to a public hearing, together with a draft CD-1 By-law generally as set out in Appendix A, and that, subject to the public hearing, the application including the form of development as shown in the plans in Appendix G, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

* * * * *

3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
DRAFT CD-1 BY-LAW PROVISIONS

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-() attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to public hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ().
- 2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Dwelling Units in conjunction with any of these uses listed in this By-law;
 - (b) Retail Uses, limited to Grocery or Drug Store, Retail Store, Farmers' Market, Liquor Store, Pawnshop, Secondhand Store, and Small-scale Pharmacy;
 - (c) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant - Class 1, Neighbourhood Public House, and Print Shop;
 - (d) Institutional Uses, limited to Child Day Care Facility, Public Authority Use, Social Service Centre, and Community Care Facility - Class B;
 - (e) Office Uses;

- (f) Cultural and Recreational Uses, limited to Artist Studio, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, and Library;
- (g) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station; and
- (h) Accessory uses customarily ancillary to the uses permitted in this Section 2.2.

Conditions of Use

- 3. The design and lay-out of at least 25% of the dwelling units must:
 - (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High Density Housing for Families with Children Guidelines".

Floor Area and Density

- 4.1 Computation of floor space ratio must assume that the site consists of 2,703 sq. m, being the site size at the time of the application for the rezoning evidenced by this By-law.
- 4.2 Floor space ratio for all uses must not exceed 3.16.
- 4.3 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.
- 4.4 Computation of floor area must exclude:
 - (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of the residential floor area; and
 - (ii) the balconies must not be enclosed for the life of the building.
 - (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical

equipment or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;

- (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum of 10% of the total permitted floor area; and
 - (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 4.5 The use of floor area excluded under sections 4.4 must not include any use other than that which justified the exclusion.

Building Height

5. Building height, measured from base surface, must not exceed 20.4 m (67.0 ft.).

Horizontal Angle of Daylight

- 6.1 Each habitable room must have at least one window on an exterior wall of a building.
- 6.2 The location of each exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.
- 6.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if:
- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of the unobstructed view is not less than 3.7 m.
- 6.5 An obstruction referred to in section 6.2 means:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 ().
- 6.6 A habitable room referred to in section 6.1 does not include:
- (a) a bathroom; or

- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

- 7. A development permit application for dwelling uses must include an acoustical report prepared by a licensed professional acoustical engineer demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
PROPOSED CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the public hearing.

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 GBL Architects and stamped "Received City Planning Department, November 18, 2016", subject to the following conditions, 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 to the following:

Urban Design

- 1. Design development to improve the building elevations, as follows:
 - (i) more strongly emphasize the 'break' between two primary building volumes along Rupert Street;
 - (ii) provide a more tactile, visually interesting surface on the wall facing the lane;
 - (iii) provide a tactile and/or coloured cladding on the exterior wall adjacent to the bus shelter, to discourage graffiti;
 - (iv) consider deleting the 'L' soffit that frames the south building volume, in order to reduce apparent massing; and
 - (v) provide a more distinctive architectural expression to the residential entry.
- 2. Provision of a weather protection canopy along retail frontages (including East 22nd Avenue and East 23rd Avenue), min. 6 feet deep.
- 3. Design development to encourage 'active use' of the building by residents, by providing a stair that is attractive and readily visible from the residential lobby.
- 4. Consideration to improve livability of the dwelling units, as follows:
 - (i) provide larger terraces or balconies for 3-bedroom units; and

- (ii) relocate the entrance to Unit K, to mitigate noise and privacy impacts of the elevator.
5. Confirmation that the application is on track to meeting the Green Buildings Policy for Rezoning including a minimum of LEED® Gold rating or Passive House certification, along with registration for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which strategies, features or technologies will be incorporated into the project in order to achieve LEED® Gold or Passive House certification. The strategy, along with the LEED® or Passive House checklist must be incorporated into the drawing submission. A letter from a LEED® or Passive House accredited professional must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the project with certification-granting organization (CaGBC or other) must be provided with the application. Application for certification will be required at a subsequent stage.

6. That the proposed unit mix for family units, 30% two-bedroom and 4% three-bedroom units, 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 the Development Permit Board provided that it does not go lower than 25% of the dwelling units designed to be suitable for families with children.

7. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

Note to Applicant: Strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features or to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

Crime Prevention through Environmental Design (CPTED)

8. Design development to consider the principles of CPTED, 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.

Sustainability

- 9. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED™ Gold with a minimum of 6 optimize energy performance points, 1 water efficiency point and 1 stormwater point.

Note to Applicant: Provide a checklist and a detailed written description of how the rating system points have been achieved with reference to specific building features in the development. Both the checklist and description should be incorporated into the drawing set, with significant elements keyed to the building plans and elevations. A letter from the Mechanical consultant shall be submitted outlining how the 6 optimize energy points will be achieved in this building design.

Landscape Design

- 10. Design development to the integration of the planters on slab with the overall architecture to provide maximum plant growing depth (exceed BCLNA Landscape Standard) to support plant health.

Note to Applicant: Variations in the slab may be required in combination with appropriate growing medium. In the horizontal plane, soils should be contiguous, wherever possible.

- 11. Provision of high efficiency irrigation for all planted areas, hose bibs for common areas and a consideration to provide hose bibs for all patios areas greater than 100 square feet.
- 12. Provision requirements at the time of Development Permit application:
 - (i) Provision of a detailed Landscape Plan illustrating common and botanical name, size and quantity of all existing/ proposed plant material.

Note to Applicant: Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. The landscape plan should include all exterior hard and soft surface elements (site furniture, gates, fences, surfaces, screens, walls), the public realm treatment (to the curb) and all existing or proposed street trees, adjoining landscaping/ grades and public utilities such as lamp posts, hydro poles, fire hydrants.

- (ii) Provision of large scale architectural and landscape sections [typical] through planted areas, including the slab-patio-planter relationship, the lane interface, common areas and upper levels.

Note to Applicant: The sections should include the planter materials, tree stem, canopy and root ball.

- (iii) Large scale detailed elevations/sections for rooftop landscape structures, gates, fences, walls and privacy screens.
- (iv) Provision of high efficiency irrigation for all planted areas.

Note to Applicant: Provide a separate irrigation size irrigation plan (one sheet size only) that illustrates symbols for hose bibs and/or stub out locations. Tree protection areas should be excluded. Include written notes on the same plan and/or landscape plan describing the intent and/or standards of irrigation.

- (v) Provision of new street trees adjacent to the development site, to be confirmed prior to the issuance of the building permit, to discretion of the General Manager of Engineering.

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Park Board, ph: 604.257.8587 for tree species selection and planting requirements. Provide a notation on the plan, "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion.

Engineering

- 13. Parking, loading, and bicycle spaces shall be provided and maintained according to the provisions of the Vancouver Parking By-law.
- 14. 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.
- 15. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown.

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.

16. Provision of a landscape plan that reflects the off-site improvements sought of this application.

Note to Applicant: Where improvements cannot be illustrated a statement of the required improvement is to be indicated on the landscape plan. Please submit a copy of the updated landscape plan directly to engineering for review.

17. The following statement is to be noted on the landscape plans: "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Kevin Cavell at 604.873.7773 for details."

18. Confirmation that canopies and/or awnings are proposed over the property line and submission of an appropriate application to the General Manager of Engineering Services.

19. Provision of additional design elevations to be noted on the property line adjacent all entries clearly showing that all entries will meet City building grades.

20. Provision of corner cuts to achieve two way traffic flows at the bends in the parkade ramp for the commercial parking and provide turning tracking diagrams to confirm.

21. Provision of the required Class B bicycle parking on private property as per the Parking by-law.

Note to Applicant: Locate the bike rack in close proximity to the lobby entrance with 'stairs free' access. Ensure that bicycles locked to the rack do not encroach over the property line.

22. Provision of automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

23. Provision of 'stairs free' loading access with reduced length and slope of ramps from the loading area to all the CRUs.

Note to Applicant: Consider sloping the Class B loading bays at 5% and providing a loading lift to CRU 1, and a loading lift to CRUs 6 and 7 inches the loading storage room to achieve this.

24. Dimension the distance from the back of the curb to the property line on Rupert Street to confirm that 5.5 m distance is being provided on drawing A3.01 and L2.
25. Clearly show the loading bay throat for the southerly bay and ensure it is not impeded by the PMT placement or any required clearances that may be necessary for the PMT or that bollards or other PMT protection features will not encroach into the loading bay throat.

Note to Applicant: Confirmation is required that the PMT shown on drawing A3.01 will not reduce the maneuvering for the southerly Class B loading space. Show any additional walls or bollards required for the PMT.

26. Provision of a chamfer on the curb in front of the commercial garbage room to improve maneuvering for the northerly Class B loading space.
27. 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, both sides of the loading bay, additional elevations within the parking area and at all entrances.

Note to Applicant: Confirm all ramp slopes shown are correct as using the elevations and lengths shown, some of the ramp slopes are steeper than what is indicated on the drawings.

- (ii) Dimension the width of all overhead gates within the parking area.

Note to Applicant: A 20 feet clear width is required.

- (iii) Dimension all maneuvering aisle widths.
 - (iv) Provision of all Class A bicycle parking at or above the first level of underground parking.

Note to Applicant: Relocate the Class A spaces shown on P2 to P1.

- (v) Confirmation of all column locations within the parkade and loading areas.

Note to Applicant: Parking space placement, with respect to structural elements, and column encroachment dimensions must comply with the requirements in the Parking and Loading Design Guidelines. Full maneuvering must be maintained within the loading area for any column placements.

- (vi) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays and note on plans.

Note to Applicant: A section drawing is required showing elevations, O/H gates and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (vii) 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: Please refer to the Parking and Loading Design Guidelines at the following link:
(<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>)

Housing Policy and Projects

28. 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 General Manager of Community Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Release of Easement & Indemnity Agreement 291025M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

2. Provision of a Services Agreement to detail the on 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 concrete lane crossings at the lane east of Rupert Street on the south side of 22nd Avenue and the north side of 23rd Avenue including new curb returns and curb ramps on both sides of the lane entry.
 - (ii) Provision of new curb returns and curb ramps at the north east corner of 23rd Avenue and Rupert Street and the south east corner of 22nd Avenue and Rupert Street.
 - (iii) Provision of new CIP concrete sidewalks with saw cut score marks on all 3 frontages of the site in keeping with area standards.
 - (iv) Confirmation that the proposed utility pole relocations in the lane are achievable. Written confirmation from all affected utility companies is required.
 - (v) Provision of upgraded street lighting adjacent the site to LED standards, including additional street lights should a lighting review determine that lighting levels are not met.
 - (vi) Provision of painted left turn bays on 22nd Avenue at Rupert Street. This will require re-stripping of the intersection and paint markings to create eastbound and westbound left turn bays and revision of the parking regulations, adjustment of the bus stops and shelters and include adjustment to any street infrastructure impacted by the proposed work.

Note to Applicant: Engineering Services will develop a design for this work and determine its viability prior to permit issuance, should the restriping not be achievable the obligation will be removed from any related services agreement.
 - (vii) Provision of improved lighting for the intersection of Rupert Street and 22nd Avenue
 - (viii) Provision of speed humps in the lane south of 22nd Avenue, from the lane east of Rupert Street to Cassiar Street subject to resident notification.
 - (ix) Provision of street trees adjacent to the site, where space permits.

- (x) 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.
- (xi) Provision of approximately 70 m of new/upgraded sanitary sewer south along Rupert Street from 3725 Rupert Street to 22nd Avenue, then approximately 30 m along 22nd Avenue east past the intersection of 22nd Avenue and Rupert Street. Totalling approximately 100 m in length. The work is currently estimated at \$300,000.00.

A reduction in the sewer upgrading costs borne by this project may be reduced should benefiting nearby development proceed concurrently with this project with the said reduction to be determined at the sole discretion of the General Manager of Engineering Services.

- 3. Provision of all utility services to be underground. All electrical services to the site must be primary with all electrical plant including but not limited to system vista, vista switch gear, pad mounted transformer and street vaults or any additional required hydro equipment is to be located on private property.

The applicant is to provide confirmation that all required electrical plant is provided for on-site. There is to 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.

Housing

- 4. Make arrangements to the satisfaction of the General Manager of Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or 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; and
- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when Housing Agreement is entered into and again prior to development permit issuance.
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	3868-3898 Rupert Street and 3304-3308 East 22nd Avenue Proposed Average Starting Rents
1-bedroom	\$1,476
2-bedroom	\$2,080
3-bedroom	\$2,372

- 5. That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Community Services (or successor in function) and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by Section 3.1B(c) of the Vancouver Development Cost Levy By-law.
- 6. Such other terms and conditions as the General Manager of Community Services (or successor in function) 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.

Environmental Contamination

- 7. 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 the 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 provided to the City.

Note to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are 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, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

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**3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
DRAFT CONSEQUENTIAL AMENDMENTS**

SIGN BY-LAW NO. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

“3868-3898 Rupert Street and 3304-3308 East 22nd Avenue [CD-1 (#)] [By-law #]B (C-1)”

NOISE CONTROL BY-LAW NO. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1 (#)] [By-law #] 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue”

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3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
URBAN DESIGN ANALYSIS

URBAN DESIGN PANEL

The Urban Design Plan reviewed the application on August 10, 2016.

EVALUATION: NON-SUPPORT (0-8)

Introduction: Rachel Harrison, Rezoning Planner, introduced the project as a rezoning application on the southeast corner of 22nd Avenue and Rupert Street.

This proposal is being considered under the Affordable Housing Choices Interim Rezoning Policy (also known as IRP). The policy allows for up to six storeys if fronting an arterial street and within 500 m of a local shopping area, subject to urban design performance and the degree of neighbourhood support.

The site is currently zoned C-1 and occupied by a one-storey retail building with surface parking and five commercial units, one of which is a grocery store. The site is 260 ft. wide and 112 ft. deep, for a total site area of approximately 29,000 sq. ft. The base zoning allows for three storeys and an FSR of 1.2.

The other two corners are also zoned C-1. The northwest corner is currently occupied by surface parking and a one-storey retail building, while the southwest corner/block has a newer three-storey mixed-use building on the corner and one-storey retail on the rest of the 3800 block of Rupert Street. Across the street is Renfrew Elementary School. The rest of the surrounding area is RS-1. While the other C-1 sites across Rupert Street could develop under the IRP the policy only allows for a maximum of two IRP applications within 10 blocks on the same arterial, so currently only one of the other C-1 sites could develop under the IRP.

The proposal is to rezone the site from C-1 to CD-1 to allow for a six-storey mixed-use building. This building will include commercial on the ground floor and 112 secured market rental units above, all over two levels of underground parking accessed from the lane. The applicant intends to retain all the existing commercial tenants on the new site. Proposed FSR is 3.60 and 29% of the units are two or three-bedroom units.

Danielle Wiley, Development Planner, continued by reiterating that is a local shopping node (zoned C-1) within a primarily single-family neighbourhood. The existing streetscape consists primarily of one-storey retail with small frontages. There is one new C-1 development across the street which demonstrates the anticipated form of development under

existing zoning. There is a significant slope from north to south comprising a 12 ft. drop across the site.

The proposal is for a six-storey mixed-use development with retail at grade. A grocer is located at the north end with a corner café, and fine-grained retail will take up the remainder of the frontage. The slab is stepped along Rupert Street to accommodate grade. A residential entry is located on 23rd Avenue, and servicing is on the lane. There is a 2 ft. setback from the property line on all sides.

From Level 2-6 the massing is organized in a “U” around a shared green space on the podium. This allows access to light for residential units and mitigates shadow impacts on the rear yards of adjacent RS-1 lots. There is a 35 ft. setback to the building face and a three-storey shoulder expression at the corners of both 22nd Avenue and 23rd Avenue. To achieve this, the shoulder is “split” part-way along Rupert Street. This helps to break up the long building elevation. Levels 5 and 6 have a 6 ft. setback from the building face on all three street frontages.

A common amenity is split across two levels. It includes a small room on Level 2 with access to the podium and a larger room on Level 4 with access to the terrace. Expected density is 3.6 FSR.

Advice from the Panel on this application is sought on the following:

1. Appropriateness of the overall massing, height and density within its site context (local commercial node);
2. Architectural expression of the long building elevation on Rupert Street;
3. Appropriateness of the massing of the upper storeys on the east side of the development as an interface to a single family neighbourhood;
4. Architectural expression of the lane elevation (at the podium);
5. Identity and expression of the residential entry on East 23rd Avenue;
6. Any further issues that the Panel members wish to comment on.

1. **Applicant’s Introductory Comments:** The applicant team started by noting that the client lives in the neighbourhood and wants to invest in it.

The first three storeys are intended to “ground” the building, and are expressed in a darker charcoal masonry. The upper three storeys are stepped back and treated in cementitious panel in a lighter colour, to “lighten” the apparent massing. The building elevation on Rupert St is broken up into two blocks with a connector piece. The connector has some green colour accents, including coloured balcony faces. The three forms are articulated through a fin which wraps around the building. This fin also provides weather protection. The massing towards the east transitions by stepping down to the lower density areas.

Parking is off the lane, and an elevator and stair bring customers for the retail uses up to Rupert Street. The idea of the main commercial entry on Rupert is to give a strong high-street feel to the building.

This development is made up of 70% one-bedroom units and 30% two or three-bedroom units. There is an upper deck with a kids play area and urban agriculture.

The applicant team then took questions from the panel.

2. **Panel's Consensus on Key Aspects Needing Improvement:**

- There is too much density for the location;
- The building may be too tall for the context;
- Exceptional design development is needed to merit the proposed density and height;
- More clarity is needed with regards to the urban design approach;
- Consider using a simple bar building or breaking the mass up more;
- Design development of the architectural language is needed to clarify the functional intent for the "break" in the Rupert Street elevation;
- A finer grain is needed on Rupert Street at the retail level, with more public realm space (i.e. for cafes);
- A better massing transition is needed towards the single-family houses to the east;
- To be neighbourly this building, needs to better contain the activities on the lane (loading, parking, etc.);
- The residential entry is unclear, too remote and is not well-related to the massing; and
- The relatively equal area, shape and symmetry of the outdoor amenity and a private patio at the lower roof level on the ends of the building seem illogical.

Related Commentary: The panel started by noting that the massing and density are inappropriate for the context and need to be scaled down to be more neighbourly. Consideration should be given to losing the 'C-shape' in favour of a more straightforward bar building. The proposed density is a significant ask so a commensurate level of quality and distinctiveness must be achieved. Overall the architectural design needs more design development. The

The building does not have an appropriate interface to the street. The residential entry location is unclear and illogical; it should be relocated. The commercial space should better activate the streetscape, possibly with some at-grade open spaces. A finer grain texture is needed to break up the massing and allow it to fit more into the neighbourhood.

The building is too close to the lane, and needs to make the transition to the neighbours more elegantly. All the loading activities should be contained

within the site to minimize traffic impacts on the adjacent residential buildings. As proposed, the loading docks will be loud and intrusive for the neighbours.

A higher percentage of family units would be appropriate for this building given the school across the street, and the surrounding context of single-family houses.

Consider using the roof as an amenity space in order to add a vista for the residents and give them access to solar exposure.

Balconies with shaded glass or larger, inset balconies could do more to activate the podium.

3. **Applicant's Response:** The applicants noted that they will take on the comments as best as possible.

URBAN DESIGN PANEL

The Urban Design Plan reviewed the revised application on December 14, 2016.

EVALUATION: SUPPORT (12-0)

Introduction: Rachel Harrison, Rezoning Planner, introduced the project as a proposal for a six-storey mixed use building with commercial on the ground floor and 98 rental units above. 34% of the units are two and three bedroom units. The application is coming under the Affordable Housing Choices interim rezoning policy, which allows for the site to be considered for a maximum of six storeys. Height is subject to urban design performance and a degree of community support. The affordable housing choices policy states that a maximum of two applications are allowed on the same two blocks

The site currently holds a one-storey commercial building, with a grocery store and surface parking. The site is 260 ft. wide and 112 ft. deep. Sites across the street are zoned C-1, and mostly comprise small one and two-storey retail buildings. There is newer three-storey mixed used building under existing zoning on the south-west corner of the intersection. Across the street to the north is Renfrew Elementary school. The rest of the surrounding neighbourhood is zoned RS-1.

Danielle Wiley, Development Planner, noted that the site spans a full block from East 22nd Ave to East 23rd Ave.

This is a second appearance at the Panel (first appearance was Aug 10th). The new density is 3.16 FSR (compared to a 3.61, reduction of +-13,000 sq. ft.).

i) The form of development is as follows:

- A commercial podium with one “anchor” (Chong Market); and six small retail spaces, which are anticipated to be leased by existing businesses on site;
- Slab stepped along Rupert accommodate grade change (+-12ft);
- Five storeys of market residential units above;
- The 6th storey is pulled back substantially at the north side to reduce height on Rupert Street 5th and 6th storeys have 8 ft. setbacks for a remainder of street frontages;
- At the rear (east), stepped form to reduce impacts on single-family dwelling neighbours;
- Setbacks create opportunities for green spaces: amenity at podium level on the east side and on 5th storey roof on the north side;
- The parkade entry, loading and servicing is off the lane, which flanks single-family dwellings.

ii) Previous Panel’s Consensus on Key Aspects Needing Improvement:

- The height/density of six storeys (and 3.6 FSR) is too tall/dense for the single-family dwelling context;
- In regards to the interface to single-family dwellings, better massing transition required. A bar building was suggested;
- The lane interface has an unneighbourly wall. Servicing should be contained in the building;
- The residential entry expression located on East 20th is not visible or logical. It is a missed opportunity to locate the entry at the “break” in the massing on Rupert Street.
- Regarding the outdoor spaces (private and public), it is “illogical” that shared amenity terrace and private terrace are “equal” bookends/wings on the buildings;
- The public realm on Rupert Street is a missed opportunity for a more animated, fine-grained streetscape, perhaps with niches for cafes, etc.;
- In regards to design quality, the architecture needs to be exceptional to “earn” such a significant increase in height and density in a low-scale neighbourhood.

iii) Advice from the Panel on this application is sought on the following:

1. Please comment on whether the applicant has successfully resolved the following areas of concern, which COV staff identified at the first appearance at the Panel (Aug 10, 2016):
 - Appropriateness of the overall massing, height and density within its site context (i.e. “local” shopping node in single family neighbourhood).
 - Architectural expression of the building elevation on Rupert Street.
 - Appropriateness of the massing of the upper storeys on the east side of the development, as an interface to single family properties;
 - Site planning and architectural expression on the lane (i.e. podium level);

- Identity and expression of the residential entry. Note it was located on East 23rd Ave in the original proposal.
2. In addition, please comment on the architectural detailing and materials, to assist the applicant in preparing a DP application.
2. **Applicant's Introductory Comments:** The applicant designed the building as two distinct volumes (one third/two thirds) in order to break up the length of the building frontage. The 6th storey is cut back at the north end of the building to mitigate shadowing on the school grounds. The north volume is in lighter brick, and the upper two floors are setback in a lighter coloured Hardie panel. The north end of the commercial podium, where the grocer is located, is designed with more glazing at the store front.

On the south end of the building, there is a four-storey street-wall rendered in lighter colour brick. The storefront along the public realm has a setback of 5 ft. to provide outdoor seating to animate the street. The residential entry design is located at the break between the two volumes on Rupert Street. The upper floors of the six-storey "south building" are set back 8 ft. To further differentiate the two "volumes" of the building, there is an overhang on the south end of the building.

The massing is terraced at the east side, to mitigate impacts on single-family properties across the lane. Parking and commercial servicing face the lane, and a larger setback is provided. Where possible, there is planting and vine walls, with a larger 4 ft. setback on the lane.

The proposed materials are brick and Hardie panel. There are colour accents proposed on the balconies. The amenities are a children's play area on the 2nd floor, and, on the upper 5th floor, an indoor amenity space and roof patio. Urban agriculture is planned on the roof, which is intended to be a quieter, passive use area.

3. **Panel's Consensus on Key Aspects Needing Improvement:**
 - The panel thought that the architectural expression on Rupert Street requires refinement. Specifically the L-shaped roof overhang on the south end of the building makes the building appear more massive. The break between the two parts of the building should be strengthened;
 - The concrete wall along the lane elevation should be broken up or stepped down to create an environment along the lane that would not just be the 'back' of the building;
 - The residential entry should be more strongly expressed (possibly by deleting the balconies in the "break", or reducing their depth); the panel also recommended stairs should be added to the residential lobby.

Related Commentary: The Panel supported the massing height and density of

the proposal. The panel noted it was however a 'C2 response in an RS area' and could have different ways to break down the massing and express the architecture. There could be a quirkier approach to the project. The building should be more 'unique' than the average building in the C2 zone. The non-symmetrical break in the massing was welcomed by the panel, but could be strengthened.

The panel welcomed the simple language of the architecture. A panel member suggested that the massing could be simpler. There could be more vertical expression on Rupert Street, with a finer grain. The massing impacts on the single family area to the east are improved.

The panel supported the amenity space location and size. The landscaping on the east side is very important for separating the building from the single family homes and neighbours. The concrete wall can appear 'massive', according to one panel member, so landscaping is critical. One panel member mentioned the painted white concrete at the bus shelter should be changed possibly to brick.

There could be something more unique at the entry. The balconies could be pulled back, or doors to the lobby could be pulled back to create more space on the street. The L shape beside the entry is not necessary as an architectural element to make the entry work. There could be a place for gathering at the entry or something for bike culture along Rupert Street.

The brick materials were supported by the panel, especially because they weather well. Perhaps how the materials are used could set the building apart. The building size is supported by one panel member in order to create variety in the neighbourhood.

There was a concern about loading management by a panel member. It appears too tight for the area.

4. **Applicant's Response:** The applicant really appreciated the comments and welcomed the good points made by the panel.

3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
PUBLIC CONSULTATION SUMMARY

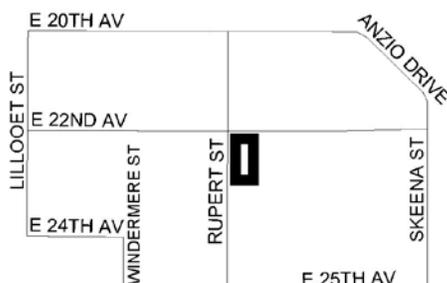
Public Notification

A rezoning information sign was installed on the site on July 1, 2016. A community open house was held on Tuesday, July 26, 2016. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

July 26, 2016 Community Open House

A community open house was held on from 5-8 pm on Tuesday, July 26, 2016 at the Renfrew Elementary School Library (3315 22nd Avenue). A total of 671 notifications were distributed within the neighbouring area on or about July 6, 2016. Staff, the applicant team, and a total of approximately 88 people attended the open house.

Notification Area:



Public Response and Comments

Staff received 58 feedback forms at the July 25, 2016 community open house and 14 online comment forms by email.

Below is a summary of all the comments organized by themes and ordered by frequency. Comments regarding the preferred CAC spending priorities are summarized at the end of this Appendix.

Traffic and Parking

Increased traffic congestion resulting from the proposal was a main concern found in the comments. Respondents were concerned that the increase in the number of residents resulting from this proposal may exacerbate the issue, particularly along Rupert Street and East 22nd Avenue. Respondents expressed the need for a traffic study/management plan, stating the need for a reconfiguration of the intersection and dedicated turn lanes on Rupert Street and East 22nd Avenue.

Potential issues around cyclist and pedestrian safety were also noted as respondents cited concerns of the proposal's proximity to Renfrew Elementary School and the number of students who access the facility by foot. Increased traffic congestion in the alley directly behind the site was also noted as a concern by respondents, as respondents cited the need for alley widening. Having the parking/loading entrance

off of the alley was an additional concern that was noted, with respondent's stating the need for the entrance to be relocated elsewhere. Additionally, respondents expressed concerns that there would not be enough underground parking, which in turn would place further stress on street parking.

Family Units

Respondents expressed a strong desire to see more two- and three-bedroom units in the proposal, particularly given the sites proximity to Renfrew Elementary School.

Massing and Height

Density was one of the primary reasons for opposing the proposal. Respondents viewed the mass and height of the proposal as out-of-scale for the neighbourhood given the sites proximity to single-family homes. As well, respondent's stated concerns related to shadowing and obstruction of mountain views with a development of this height. Respondents stated a preference for heights up to three storeys.

Commercial Spaces

Respondents did not express concern for commercial uses on site, only that existing businesses would be displaced. Additionally, concerns arose that there would be an insufficient amount of commercial parking available for customers.

Rental Housing

Respondents expressed some support for purpose built rental housing, however, concerns related to the affordability of units were noted.

Crime

Concern that the development will have a negative impact on the rate of crime in the area was of concern for respondents.

Miscellaneous Comments

- Upgrades to/expansion of the Renfrew Community centre to service a larger community
- Noise concerns that comes with increase traffic and the increased number of residents in the area

Of the responses received by Staff, several respondents were concerned that the Open House was held near a long weekend.

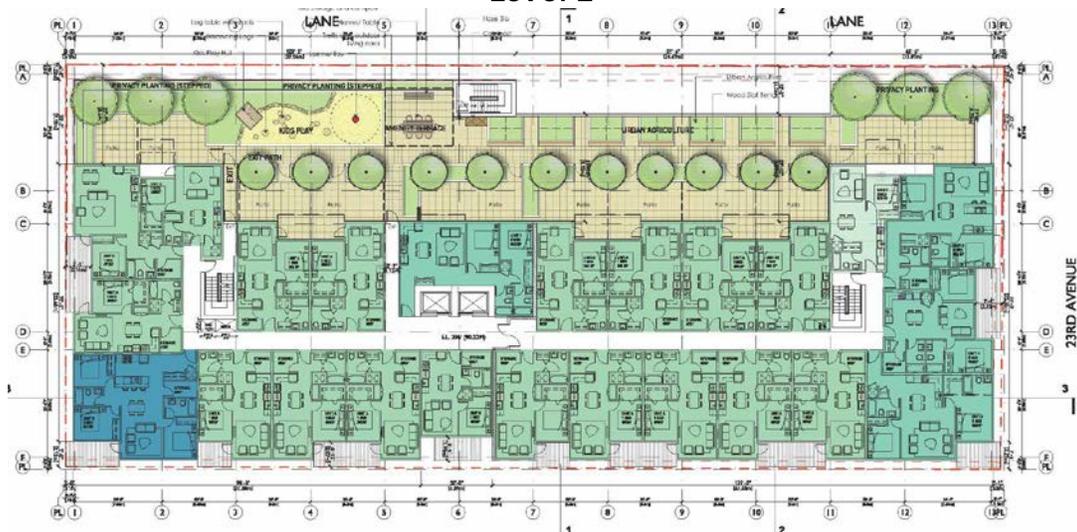
3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
FORM OF DEVELOPMENT

For a complete set of application drawings visit:
<http://rezoning.vancouver.ca/applications/3868rupert/index.htm>

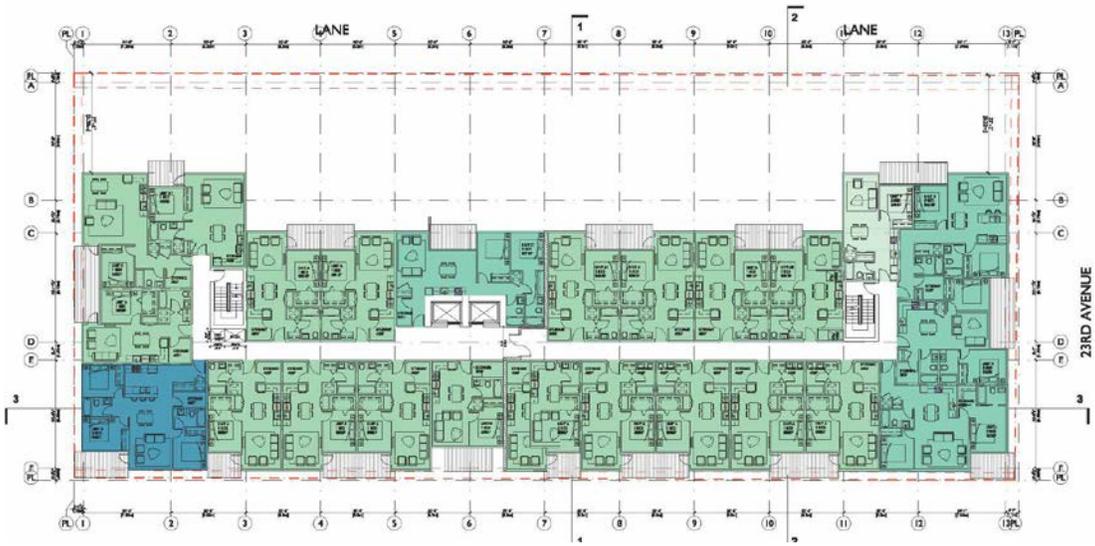
Site Plan



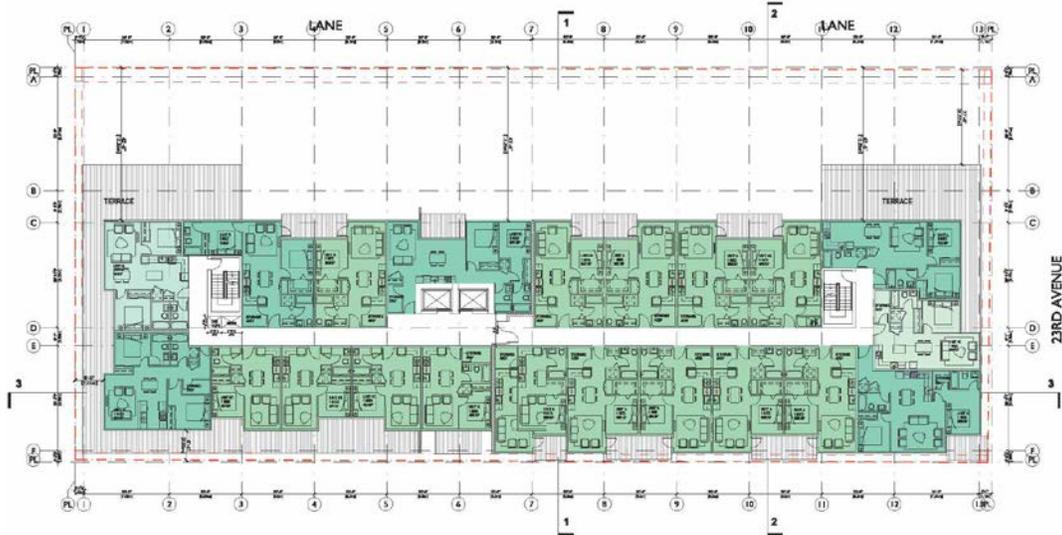
Level 2



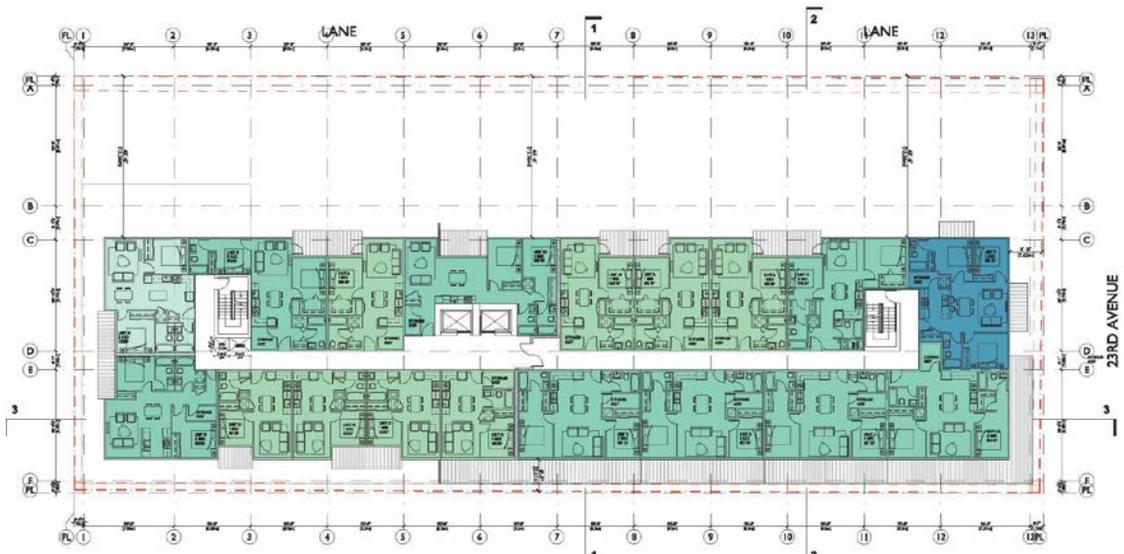
Level 3



Level 4z



Level 5



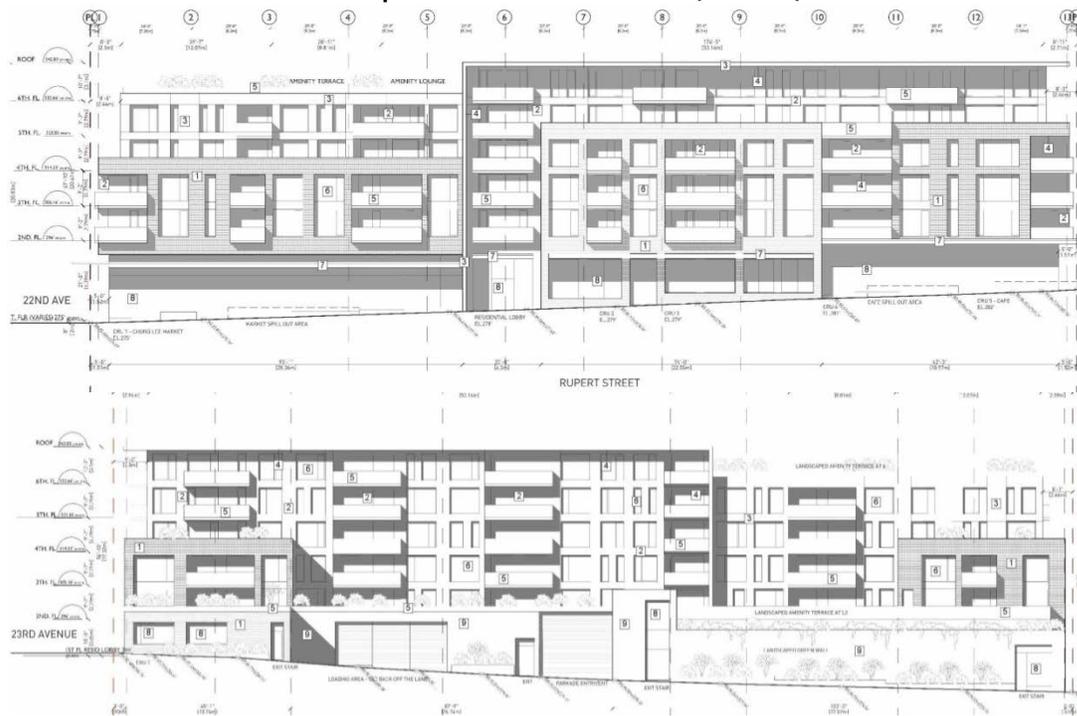
Level 6



North Elevation



Rupert Street Elevation (all one)



3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
DEVELOPMENT COST LEVY WAIVER ANALYSIS

To qualify for a waiver of the Development Cost Levy (DCL) for the residential floor space, the application must meet the criteria set out in the relevant DCL By-law under Section 3.1A. This application qualifies as outlined below.

- (a) All dwelling units proposed in the building will be secured as rental through the Housing Agreement called for under rezoning condition (c) 7 in Appendix B.
- (b) None of the proposed dwelling units will be strata units, as required through the Housing Agreement.
- (c) The average size of the proposed dwelling units will not be greater than specified in the DCL By-law.

Unit Type	Number of Units Proposed	DCL By-law Maximum Average Unit Size	Proposed Average Unit Size
One-Bedroom	65	56 sq. m (600 sq. ft.)	45 sq. m (489 sq. ft.)
Two-Bedroom	29	77 sq. m (830 sq. ft.)	67 sq. m (717 sq. ft.)
Three-Bedroom	4	97 sq. m (1,044 sq. ft.)	77 sq. m (829 sq. ft.)

- (d) The average initial rents for the proposed dwelling units do not exceed rents specified in the DCL By-law, subject to Section 3.1B(c).

Unit Type	Number of Units Proposed	East Area DCL By-law Maximum Average Unit Rent*	Proposed Average Unit Rent
One-Bedroom	65	\$1,675	\$1,476
Two-Bedroom	29	\$2,084	\$2,080
Three-Bedroom	4	\$2,606	\$2,372

*Both the maximum and proposed rents are subject to annual adjustment as per the DCL By-law.

- (e) The proposed construction cost for the residential floor area does not exceed the maximum specified in the DCL By-law.

DCL By-law Maximum Construction Cost	Proposed Construction Cost
\$2,691 per sq. m (\$250 per sq. ft.)	\$2,590/sq. m (\$240.69 per sq. ft.)

- (f) By way of the Housing Agreement, the tenure of the housing will be secured as rental for the longer of the life of the building and 60 years, and the initial rents at occupancy will be secured to meet the averages proposed set out under (d) above.

3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

Six-storey mixed-use building with commercial retail units at grade and market rental units above.

Public Benefit Summary:

The proposal would provide 98 dwelling units secured as for-profit affordable rental housing for the life of the building or 60 years, whichever is longer.

	Current Zoning	Proposed Zoning
Zoning District	C-1	CD-1
FSR (site area = 2,703 sq. m/ 29,094 sq. ft.)	1.20	3.16
Floor Area (sq. ft.)	34,913	91,937
Land Use	Commercial/Residential	Commercial/Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required *	DCL (city-wide)	\$464,692	\$287,283
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage (transfer of density receiver site)		
	Affordable Housing		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$464,692	\$287,283

Other Benefits (non-quantified)

98 units of market rental housing secured for the longer of the life of the building or 60 years.

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the city-wide DCL, revenues are allocated into the following public benefit categories: Engineering (22%); Replacement Housing (32%); Parks (41%); and Childcare (5%).

3868-3898 Rupert Street and 3304-3308 East 22nd Avenue
APPLICANT AND PROPERTY INFORMATION

Property Information

Address	Property Identifier (PID)	Legal Description
3868-3898 Rupert Street and 3304-3308 East 22nd Avenue	009-585-061	Lot A, Block 4, North West 1/4 of Section 50 Town of Hastings Suburban Lands Plan 10246

Applicant Information

Applicant/Architect	GBL Architects
Developer/Property Owner	Hanbu Enterprises Ltd.

Development Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	C-1	CD-1
Site Area	2,703 sq. m (29,095 sq. ft.)	2,703 sq. m (29,095 sq. ft.)
Land Use	Commercial Residential	Commercial and Residential
Maximum FSR	1.20	3.16
Maximum Height	10.7 m (35 ft.)	20.4 m (67 ft.)
Floor Area	3,244 sq. m (34,922 sq. ft.)	Total: 8,550 sq. m (92,031 sq. ft.) Residential: 6,544 sq. m (70,447 sq. ft.) Commercial: 2,005 sq. m (21,584 sq. ft.)
Parking, Loading and Bicycle Spaces	As per Parking By-law	As per Parking By-law