

SUMMARY AND RECOMMENDATION

7. REZONING: 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue

Summary: To rezone 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building with at-grade commercial uses and 98 secured market rental housing units. A height of 20.4 metres (67 feet) and a floor space ratio (FSR) of 3.16 are proposed.

Applicant: GBL Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 11, 2017.

Recommended Approval: By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by 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, generally as presented in Appendix A of the Policy Report dated March 14, 2017 entitled "CD-1 Rezoning: 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue", be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by 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 Rezonings 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-striping 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: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registered charges pursuant to the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated March 14, 2017, entitled "CD-1 Rezoning: 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law.
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated March 14, 2017, entitled "CD-1 Rezoning: 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated March 14, 2017, entitled "CD-1 Rezoning: 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue".
- E. THAT 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 bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 3868-3898 Rupert Street and 3304-3308 East 22nd Avenue]