

SUMMARY AND RECOMMENDATION

3. REZONING: 3281-3295 East 22nd Avenue

Summary: To rezone 3281-3295 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 commercial uses at grade and 55 secured for-profit affordable rental housing units. A height 21.3 m (70 ft.) and a floor space ratio (FSR) of 3.00 are proposed.

Applicant: Cornerstone Architecture

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 17, 2018.

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 Cornerstone Architecture, on behalf of Peak Real Estate Marketing Ltd., to rezone 3281-3295 East 22nd Avenue [PID: 006-779-514; Lot 13, Block K, Section 42, THSL, Plan 11660] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.20 to 3.00 and the building height from 10.7 m (35 ft.) to 21.3 m (70 ft.) to permit the development of a six-storey mixed-use building with at-grade commercial uses and 55 dwelling units secured as for-profit affordable rental housing, generally as presented in Appendix A of the Policy Report dated April 3, 2018 entitled "CD-1 Rezoning: 3281-3295 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 Cornerstone Architecture and received on May 12, 2017, 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 reduce overlook and improve the interface to adjacent single family properties, as follows:
 - (i) Delete the middle unit facing the interior side yard (Levels 2 and 3);

- (ii) Reorient north-facing balconies to face east or west (Levels 2 to 5); and
- (iii) Increase the setback at the south end of the lane to 3.28 ft., to improve the landscape buffer.

Note to Applicant: Reorienting the balconies and deleting the middle unit will also improve access to light and livability for the dwelling units in the new development.

2. Improve and simplify the building massing expression, as follows:

- (i) Delete the massing projection on the west elevation, Level 2, by providing a continuous 12 ft. setback (Gridlines A to G);
- (ii) Rationalize the geometry of the “superstructure” of balconies, particularly on the west and north elevations;
- (iii) Simplify and strengthen the south-west corner expression (Levels 2 to 6); and
- (iv) Refine the design of balcony screens.

Note to Applicant: The building massing and elevations require further design development to create a more coherent geometry and stronger architectural expression. Screen design and location should directly relate to solar performance; screens are thus not recommended on the north or east elevations. Where and if they are provided, screens should be moveable and should cover no more than 40% of the balcony opening.

3. Design development to improve livability, as follows:

- (i) Reduce the depth of studio unit 214;
- (ii) Meet horizontal angle of daylight standards for each unit;
- (iii) Provide adequate storage for each unit; and
- (iv) Provide an improved outdoor amenity space.

Note to Applicant: Typically, natural light can penetrate a unit a maximum of 30 ft., whereas unit 214 is approximately 50 ft. deep. This unit is also very large for a studio (614 sq. ft.). It is strongly recommended that this unit be combined with an adjacent unit and/or reconfigured to improve livability. It should be demonstrated that the bedroom in Unit 2010 meets daylight standards. Many in-suite storage rooms are compromised by the location of laundry facilities, and do not appear to comply with the Bulk Storage bulletin (refer to <http://bylaws.vancouver.ca/bulletin/b004.pdf>).

The outdoor amenity space to the north will have very poor solar access and has limited functionality, as it also serves as circulation/exiting. The outdoor space to the west is very small and has limited useable, programmable space (per the Landscape Plan). A second outdoor space on the rooftop is strongly recommended, to accommodate children's play space, urban agriculture, and social/dining areas.

4. Design development to improve the building elevations as follows:

- (i) Indicate all exterior materials on elevation drawings;
- (ii) Extend elevation drawings to include immediate context (i.e. sidewalk and curb, outlines of neighbouring buildings to north and west); and
- (iii) Provide drawn, scaled, streetscape elevations for Rupert Street and 22nd Avenue.

Note to Applicant: Further conditions may follow from the response to this condition.

- 5. Confirmation that the application is on track to meeting the current Green Buildings Policy for Rezoning, with clarification of whether the Near Zero Emissions Building or a Passive House Certification approach will be pursued.

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 the objectives of the Green Buildings Policy. The strategy, along with the relevant checklists, must be incorporated into the drawing submission. A letter from an accredited professional must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the project with a certification-granting organization (CaGBC or other) must be provided with the application. Application for certification will be required at a subsequent stage.

- 6. 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: The strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features 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)

- 7. 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

- 8. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by

the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

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

Landscape Design

9. Design development to enhance sustainability and expand programming to include a usable green roof and additional planted terraces at all levels, with planted edges visible from the street.
10. Design development to expand programming to include urban agriculture plots in common outside areas.

Note to applicant: This can be achieved by locating urban agriculture plots on the rooftop (see condition (b)3). It should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

11. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

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

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

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

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

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

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

- (xiii) Provision of a detailed Letter of Assurance for Arborist supervision during excavation in proximity to the retained site tree, to be signed and dated by arborist, owner and contractor.

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 is required for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
15. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site.

Note to Applicant: Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

16. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
17. Provision of improved access to the commercial garbage area, separate secured access to the commercial garbage area is to be provided.
18. Delete the “finger of landscaping” proposed in the back boulevard on Rupert Street and landscaping shown over the property line in the lane on drawing L1.
19. Delete proposed granite benches from public property; if seating is desired on public property please contact Street Activities to secure installation of accepted City style benches.
20. Provision of an updated Level 1 drawing that shows the Class B bicycle racks.
21. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum weather protection for the sidewalk users.
22. Provision of additional design elevations adjacent all entries clearly indicating proposed grades adjacent all doors and provision of added interpolated building grades that ensure entries will meet city sidewalks accurately.
23. Provision of a landscape plan that reflects the off-site improvements sought for this rezoning application.

Please update the landscape and site plan with the following note and submit a separate copy to Engineering Services for review.

“The landscape plan is to be noted as “NOT FOR CONSTRUCTION” and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”

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

- (i) Clearly label the class B loading space as “a shared use loading space” on the drawings.
- (ii) Provision of additional design elevations at all entrances, through the loading bays and throughout the parking levels.

Note to Applicant: insertion points for the design elevations and lengths of slopes at all breakpoints to be shown on the drawings.
- (iii) Provision of 6.6m (21.66') maneuvering aisle width or provide 2.74m (9') stall widths.

25. Modification of the parking level design.

- (i) Reduce grades on the drive aisles to 5% or less.
- (ii) Provision of Section Drawing D and additional section drawings through the Class B loading bays and at gridline K.
- (iii) Provision of minimum 7'-6½" of vertical clearance for the full length of the parking stall for disability parking space 24.
- (iv) Show the main parkade ramp overhead gate on drawing A201.

Note to Applicant: Ramps which have a 15% slope and are exposed to the weather must be heated.
- (v) All stalls are to be clearly dimensioned on the drawings.
- (vi) Eliminate the conflict between the person door access at the residential gate and small car stall 4.
- (vii) Design development to improve access between the loading, garbage and all uses.

26. Modification of the loading bay design as follows:

- (i) Additional loading bay width of 3.8 m for the second Class B loading bay.
- (ii) Provision of an updated 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.

Affordable Housing

27. Provide a unit mix as proposed comprising at least 18 two-bedroom units (33%) and 7 three-bedroom units (13%).

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower

than 35% of the dwelling units designed to be suitable for families with children.

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 Arts, Culture and 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. Provision of a shared use loading agreement for the Class B loading to be shared between the commercial and residential uses.

Note to Applicant: The shared use agreement shall specify allocated time periods for shared use by residential vs. commercial units.

2. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
- (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.
- (ii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer system 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 sewer system upgrading that may be required.

- (iii) Relocation/removal of the existing wood pole in the lane that blocks parking and loading access and arrangements for replacement lane lighting to current standards.
- (iv) Removal of existing driveway crossings and reconstruction of curb and sidewalks to standard is required.
- (v) Provision of new CIP light broom-finish concrete sidewalk with saw-cut joints along the site frontages between the existing front boulevard and the building face is required. Note: delete reference to sandblasted sidewalks. All walks should be light broom-finished sidewalks and scoring pattern should carry from public to private property where concrete sidewalks are provided.
- (vi) Provision of new concrete bus stop landing area on 22nd Avenue adjacent the site including relocation of bus shelter to accommodate an improved bus-stop location. Final bus-stop/shelter/concrete landing area to be determined prior to sidewalk reconstruction.
- (vii) Provision of upgraded street lighting along the site frontages to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (viii) Provision of a standard commercial concrete lane crossing at the lane entry on the north side of 22nd Avenue at the lane west of Rupert Street.
- (ix) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (x) Provision of signal modifications at Rupert Street and 22nd Avenue traffic signal to provide for updated Intersection lighting to LED standards.
- (xi) Provision of speed humps in the lane west of Rupert Street between 22nd Avenue and 21st Avenue. Final location and quantity of speed humps to be determined prior to installation.

3. Provision of a stormwater and rainwater management plan that meets the objectives of the Citywide Integrated Rainwater Management Plan and complies with the Sewer and Water Course Bylaw. The plan shall achieve the following objectives:
 - a) Retain or infiltrate 50% of the 6-month storm event volume (24 mm) on-site;
 - b) Treat the 6-month event (48 mm) on-site; and
 - c) Maintain the pre-development 2 year storm event rate. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

Note to applicant: Legal arrangements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features. In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

Note to Applicant: Please ensure that in your consultation with BC Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

Affordable Housing

5. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement 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;

- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into and again prior to Development Permit issuance;
- (v) That the average 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 | 3281-3295 East 22nd Avenue Proposed Average Starting Rents |
|--------------|---|
| Studio units | \$1,380 |
| 1-bedroom | \$1,698 |
| 2-bedroom | \$2,440 |
| 3-bedroom | \$2,920 |

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts, Culture and 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.
- (vii) Such other terms and conditions as the General Manager of Arts, Culture and Community Services and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Environmental Contamination

- 6. 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.

- B. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated April 3, 2018, entitled "CD-1 Rezoning: 3281-3295 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 contemplated by that report.
- C. THAT the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated April 3, 2018, entitled "CD-1 Rezoning: 3281-3295 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 April 3, 2018, entitled "CD-1 Rezoning: 3281-3295 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 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.

[RZ – 3281-3295 East 22nd Avenue]