

## SUMMARY AND RECOMMENDATION

**3. REZONING: 2109 East Hastings Street**

**Summary:** To rezone 2109 East Hastings Street from C-2C1 (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 42 secured for-profit affordable rental housing units. A height of 22.9 m (75.1 ft.) and a floor space ratio (FSR) of 3.20 are proposed.

**Applicant:** Mosaic Avenue Developments and Yamamoto Architecture

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of May 1, 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 Mosaic Avenue Developments Ltd. and Yamamoto Architecture Inc. on behalf of Mosaic Hastings and Lakewood Holdings Ltd. to rezone 2109 East Hastings Street [*Lots 15 and 16, Except (A) the North 20 Feet and (B) Part in Explanatory Plan 7029, Block 40, District Lot 184, Plan 178; PIDS: 014-014-904 and 014-014-921 respectively*] from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 3.00 to 3.20 and the maximum building height from 13.8 m (45.3 ft.) to 22.9 m (75.1 ft.) to permit the development of a six-storey mixed-use building with commercial uses at grade and 42 secured for-profit affordable rental housing units above and 42 underground parking spaces, generally as presented in Appendix A of the Policy Report dated April 17, 2018 entitled "CD-1 Rezoning: 2109 East Hastings Street", 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 Yamamoto Architecture Inc. and stamped "Received City Planning Department, August 24, 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 enhance the pedestrian scale and interest on both East Hastings and Lakewood Drive by providing the following:

- a) Reduce extent of blank walls at the street interface. Alternatively, high quality materials combined with intensive detailing can be considered.

Note to applicant: due to the sloped site condition, finished floor (corner CRU) varies from approximately 1'-0" to 5'-0" above surrounding grade which results in high blank walls.

- b) Lower weather canopies (for the retail frontage) along Lakewood Drive.

Note to Applicant: canopy height varies from 14'-16' due to a sloping site. Stepping the canopy height to align with the sloping grade can improve weather protection and relationship to pedestrian scale.

2. Design development to enhance the lane interface and improve transition to the neighbouring residential front yard, by providing the following:

- a) Setback rear exit stairs to align with exterior face of amenity room.

Note to applicant: resulting outdoor space to be revised to amenity room patio and landscaped.

- b) Consolidate service functions and simplify volumetric expression.
- c) Provide quality and durable exterior finishes, in particular, facing the property across the lane.

3. Provision to contribute to public realm along East Hastings Street by adhering to SRW setbacks outlined in the Grandview-Woodland Community Plan.

Note to applicant: Building massing must not encroach into SRW.

4. The proposed unit mix, providing 12 studio units, 14 one-bedroom units, 14 two-bedroom units and 2 three-bedroom units, is to be included in the development permit drawings. The two and three bedroom units account for 38 per cent of the units.

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 per cent of the dwelling units designed to be suitable for families with children.

5. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

## **Crime Prevention through Environmental Design (CPTED)**

6. 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**

7. 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**

8. Provision of an arborist report that assesses requirements for any necessary canopy or root pruning for street trees.
9. Further coordination with Park Board and the project arborist at the development permit stage to protect tree roots and careful management of any tree pruning work associated with building setback clearances and public realm improvements.
10. Provision of a fully detailed Landscape Plan.

Note to Applicant: 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.

11. Provision of details and sections (1/4"=1' or 1:50) showing the growing medium, soil, building wall and proposed climbing plant system, typically cables or metal grid, to which climbing plants may be established on the walls of the building.
12. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on architectural expression, open space and public realm.

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

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

14. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: Hose bibs are requested to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

15. Provision of 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.

16. Provision of an updated Stormwater Management Plan.

Note to Applicant: Only required if design development results in changes to site that alter the storm water calculations at the development permit stage.

### **Engineering Services**

17. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.
18. 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 & 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.
19. 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.
20. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual

section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

21. Confirmation that the existing wood pole on site (at the north east corner) can be relocated or eliminated as it blocks the parkade ramp.
22. 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 and continuous weather protection for the sidewalk users.
23. Please place the following statement on the landscape plan: *“This plan is “NOT FOR CONSTRUCTION” and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”*

Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to engineering for review.

24. Design development to comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services (GMES). The following items are required:
  - (i) Provision of design elevations on both sides of the loading bay, and the disability stall at the lane to calculate the slope and crossfall.  
  
Note to Applicant: The slope and crossfall must not exceed 5 per cent.
  - (ii) Provision of minimum vertical clearance for the loading bays.  
  
Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans.
  - (iii) Design development to provide unfettered access to the Class B loading space.

Note to Applicant: Access to the full width of the loading space is required. Consider modifying the garbage room to achieve this.

- (iv) Provision of 'stairs free' loading access from the Class B loading space to all CRUs and note on plans.

Design development to achieve 'stairs free' loading access for the partition shown within the restaurant space and note on plans.

Note to Applicant: Engineering acknowledges the submission of civil design drawings and will add it to the design review cue but it is to be noted that the approval of the rezoning does result in approval of the civil design drawings, a separate review will follow.

- 25. Provision of double throats for the Class B loading space as shown.

Note to Applicant: The width of the lane is reduced to 4.2m at Templeton Drive. Through the Development Permit review process, staff is willing to consider a reduced 2nd loading bay throat.

- 26. Design development to provide Class B loading access to the residential elevator core.

Note to Applicant: The bicycle facility on Lakewood Dr will remove parking or stopping on the east side of the street.

- 27. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.

- 28. Provision of an improved plan showing 6 Class B bicycle spaces on private property.

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.

- 29. Design development to provide generous and continuous weather protection on E Hastings St frontage.

### **Green Infrastructure**

- 30. Clarification of the stormwater management plan is required such that a final agreed upon plan is accepted, including any legal arrangement necessary to ensure the ongoing operation of plan requirements.

- 31. Staff are seeking clarification on a number of points in the detailed calculations for the stormwater management facility design:

- (i) The objective for the first 24mm per day is stated as being 'capture'. The intent of the policy is to deal with the 1st 24mm through infiltration or reuse at source, this would include detain for reuse.

- (ii) Please confirm the area calculations for the tree planters, soft landscaping and pervious paving used in the details calculations, they appear incorrect.
  - (iii) There is double accounting in the available storage in growing medium. The area for the tree planters has also been included in the area calculation for 450mm depth.
  - (iv) The permeable pavers must have a base of CLEAR crushed gravel. The void ratio of clear crushed gravel is typically 0.35, not 0.2.
  - (v) The summary compares 'capture capacity' of the softscape and pervious pavers against the overall 24mm capture target. The summary should use the 24 mm rainfall figure for both softscape and pervious pavers against the 24 mm capture target. Staff do not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious without runoff being directed towards the absorbent areas.
32. Where infiltration is not feasible due to zero lot line development or geotechnical conditions, the 24 mm infiltration goal can be achieved through retention. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems.
33. Detention tanks shall be considered only where alternative approaches to rainwater retention prove unacceptable. Where detention tanks are to be proposed they shall store water for alternative uses on site. Detention tanks are not considered to form part of the treatment chain of the first 24 mm if the rainwater captured is not for reuse.
34. The second 24 mm of rainfall must be cleaned before entering the detention tank. The detention tank as shown is not considered to be designed for water quality treatment.
35. As the project moves to development permit, provide a revised Rainwater Management Plan (RMP), that details how the rainwater management system meets the IRMP requirements.

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

### **Affordable Housing**

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

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

## CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner, make arrangements for the following:

### Engineering Services

1. Consolidation of Lots 15 and 16, Both Except (A) the North 10 Feet and (B) Part in Explanatory Plan 7029, Block 40, District Lot 184, Plan 178 to create a single parcel.
2. Release of Easement & Indemnity Agreement 470769M (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.

3. Provision of a Statutory Right of Way (SRW) for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the south property line to give an overall distance of 5.5 m (18 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings, planters and benches at-grade but the SRW agreement will accommodate underground parking Levels P1 & P2 and minor portions of building levels 2 to the roof within the SRW area.

Note to Applicant: The face of the brick columns, door-swings (no more than 1'-0" over the SRW line) and portable planters are shown within the SRW area and must be removed.

4. Provision of a shared use loading agreement between commercial and residential uses for the Class B loading space.

Note to Applicant: The parking on the east side of Lakewood Drive will be removed and will not be available for residential loading activity.

5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services 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 based on the



Fire Underwriters Survey document water supply for public protection 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 per cent 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 per cent of any sewer system upgrading that may be required.
- (iii) 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: as-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
- (iv) Provision of 1.53 m (5'-0") exposed aggregate front boulevard, 0.31m (1'0") hardscape building strip, and light broom finish saw cut concrete sidewalk between the front boulevard and building strip on E Hastings St frontage.
- (v) Provision of a 2.5 m wide raised protected bike lane adjacent to Lakewood Dr frontage, with 1.53 m (5'-0") sod grass front boulevard with trees, 1.83 m (6'-0") light broom finish saw cut concrete sidewalk, and landscaped back boulevard to property line including adjustments to all existing infrastructure to allow for the installation of the bike facility. City to provide geometric design for construction.
- (vi) Provision of a standard concrete lane crossing including new curb returns and curb ramps on both sides of the lane entry located north of Hastings Street on the east side of Lakewood Drive as per City standard.
- (vii) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.

(viii) Provision of signal modifications including countdown timers, LED intersection lighting and an accessible pedestrian signal at the intersection of E Hastings Street and Lakewood Drive.

6. 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 B.C. 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**

7. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing all residential units as for-profit affordable housing units for the longer of 60 years and life of the building, 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 rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

<b>Unit Type</b>	<b>2109 East Hastings Street Proposed Average Starting Rents</b>
Studio units	\$1,496
1-bedroom	\$1,730
2-bedroom	\$2,505
3-bedroom	\$3,365

- (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 (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 Section 219 Covenant and 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**

10. As 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 17, 2018, entitled “CD-1 Rezoning: 2109 East Hastings Street”, 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 17, 2018, entitled “CD-1 Rezoning: 2109 East Hastings Street”, 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 17, 2018, entitled “CD-1 Rezoning: 2109 East Hastings Street”.
- 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 sole risk of the person making the expenditures 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 sole 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 – 2109 East Hastings Street]**