

SUMMARY AND RECOMMENDATION

1 REZONING: 33-49 East Hastings Street

Summary: To rezone 33-49 East Hastings Street from Downtown-Eastside/Oppenheimer District (DEOD) to CD-1 (Comprehensive Development) District to permit a mixed-use building with commercial use at grade and in the mezzanine, with 12 storeys of residential use above. The proposal includes 102 units of social/supportive housing (60 per cent of the total) and 67 units of market housing (40 per cent of the total) secured as rental for 15 years. A height of 38.7 m (127 ft.), a floor space ratio (FSR) of 8.28 and a total floor area of 9,190 m² (98,926 sq. ft.) are proposed.

Applicant: Atira Development Society

Referral: This item was referred to Public Hearing at the Regular Council Meeting of September 24, 2013.

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

- A. THAT the application, by Atira Development Society, to rezone 33-49 East Hastings Street [*Lots 25, 26, 27 and 28, Block 8, District Lot 196, Plan 184; PIDs: 015-691-284, 015-691-292, 015-691-314 and 015-691-322 respectively*] from Downtown-Eastside Oppenheimer District (DEOD) to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio from 5.00 to 8.28 and building height from 29.8 m (98 feet) to 38.7 m (127 feet) to allow construction of a 14-storey mixed-use building, with commercial uses at grade and residential uses above, generally as presented in Appendix A of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 33-49 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 Perkins + Will and stamped "Received City Planning Department, April 26, 2013", 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 refine the architectural character in response to prevailing context.

Note to Applicant: Contemporary design that interprets and reflects prevailing contextual qualities is supported. Consideration should be given to facade composition with respect to distinguishing ground-oriented uses, reflecting a tri-partite expression, greater emphasis and differentiation between vertical bays, upper-level setback(s), flanking elevation quality with respect to materiality and detailing, and overall fenestration proportions. Use of colour for facade features is encouraged. Consideration should also be given to further refining overall massing by re-considering the east and west bays' shoulder heights to better mediate/ transition with the respective heights of adjacent developments. Further design development, to improve the appearance of the flanking sidewall elevations, while anticipating future development height and optimizing natural light into the existing adjacent light wells, is also required.

2. Design development to improve the lane interface.

Note to Applicant: Introduction of glazing/screening that reveals internal activity, refinements to lane wall materiality and detailing, soft landscaping associated with podium rooftop planters and lighting is required. Coordination with BC Hydro and the City of Vancouver towards timely undergrounding of existing Hydro Services is encouraged.

3. Design development to reduce rooftop mechanical and elevator penthouse structures to minimize their visual impact and reduce apparent building scale, subject to confirmation of the equipment sizes and system requirements during detailed building design stage.
4. Design development to relocate the proposed mezzanine floor towards the back of the ground-floor tenancy volume, to incorporate glazed openings onto the lane from the relocated mezzanine and to design the fronting volume facing Hastings Street to provide better pedestrian animation, improve CPTED performance and accommodate a variety of types of retail displays.
5. Provision of a conceptual lighting strategy emphasizing ground-oriented storefront and entry intent, and the lane interface.

Note to Applicant: A lighting strategy that improves CPTED performance for both locations is anticipated.

6. Provision of design development details for storefront, entry, canopies and related architectural features to ensure durability over time given the challenging environment.

Landscape

7. Design development of the 3rd floor common amenity deck open space to provide a variety of spaces for active and passive activities to promote positive social interaction and gathering.
8. Provision of opportunities and infrastructure for urban agriculture on roof decks.

9. Maximize planter depth (to exceed BCLNA standards) for all planted areas on structures.

Note to Applicant: The Landscape Plan submitted with the rezoning documents shows single tree planters on the various roof decks. Consolidate single tree planters to create a more extensive tree-planting trench and increased growing medium volume to ensure the long-term health of potted trees.

10. Provision of best current practices for managing water conservation including high efficiency (drip) irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching (illustrated on the Landscape Plan).

Note to Applicant: Proposed plantings should be consistent with the City of Vancouver Waterwise Planting Guidelines.

11. Provision of hose bibs for all private and common amenity landscaped patios measuring 100 sq. ft. in area, or greater.
12. Provision of a fully labelled Landscape Plan, Sections and Details at the Complete Development Permit submission stage.
13. 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 submitted at a minimum 1:100 metric or 1/8"= 1'-0" imperial scale.
14. Provide large scale ¼"=1'-0" or 1:50 scale partial plans, elevations and sections illustrating the detailed treatment of the project's public realm interface at the street and lane edges; include planter walls, stairs, landscaping, soil depth (indicated by underground structures) and other landscape features, as applicable.

Engineering

15. Provision of improved access to the garbage storage room. Provide written confirmation that a waste hauler can access and pick up from the location shown or relocate the garbage storage to ensure pick up access is possible. Note: consideration to locate the storage area adjacent the loading bay may provide improved operation for the garbage room.
16. Confirmation that the security door apparatus does not encroach into the lane.
17. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

- Provision of a 10'x 10' (3 m x 3 m) corner cut at the bottom of the ramp as a 9' x 9' (2.7 m x 2.7 m) corner cut is shown.
- Provision of an improved plan showing the design elevations on both sides of the ramp at all the breakpoints and in the loading bay. The percent of slope, the length of the ramp at the specified slope and the design elevations on both sides of the ramp at all break points must be shown on the submitted drawings.
- Provision of a 7.5% to 10% transition ramp at the bottom of the 15% slope. Refer to the Parking and Loading Design Guidelines at the following link:
(<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>)
- Lengthen the 5% slope at the top of the ramp to 6 m (20 ft.), as 5.5 m is shown.
- Provision of a minimum of 3.8 m (12.5 ft.) of vertical clearance for the Class B loading space and provision of a section drawing showing the minimum clearance. Drawing A312 shows 2.3 m of vertical clearance for the loading.
- Provision of widened stall widths to 2.55 m (8.36 ft.) as a reduced maneuvering aisle of 6.5 m (21.3 ft.) is being provided.
- To improve access, relocate the bike room access to the elevator vestibule for the bike rooms at gridline B/3 and D/3.
- Provide a traffic warning-light system to indicate when a vehicle is exiting as a 12 ft. (3.6 m) wide ramp is being provided. A qualified transportation engineer, whose engineering firm specializes in signal design, should provide details of the warning system and note the location of all lights and detection devices on the plans.
- Provide a bicycle wheel-ramp for the stairs from the bicycle room on Level 2 to the lane.
- Clearly locate all hydro poles in the lane and ensure they do not interfere with the parking or loading access operations.

18. A canopy application is required. Note canopies must be fully demountable and drained to the buildings internal drainage systems.

Note to Applicant: An interconnected water service will be required for this development. There is a 300 mm water main available for servicing on Hastings Street.

19. Deletion of the rooftop-level metal sunshade over City street or make arrangements for a standard encroachment agreement.

Note to Applicant: A separate application to the General Manager of Engineering Services is required.

The applicant and owner should be advised that building encroachments onto City street will create obstacles if strata-titling the property is intended [Section 244(1)(f) of the Strata Property Act]. The City of Vancouver may not necessarily support the provision of easements for any part of the building on City streets. If strata-titling is being

considered, the applicant is advised to seek independent legal advice on this matter. Care should be taken with the design and construction of the proposed roof projection such that it is lightweight, demountable, and may be considered as an ancillary component of the building that is readily removable.

20. Review party wall agreements registered on title, and modify or remove as appropriate.

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 and Development Services, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services, the Director of Facility Design and Management and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

1. Consolidation of Lots 25, 26, 27 and 28, Block 8, DL 196, Plan 184 to create a single parcel.
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.
 - (a) 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 as determined by the applicant's mechanical consultant to determine if water 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 water system upgrading that may be required.
 - (b) Provision of street trees adjacent the site where space permits.
3. 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 are not limited to, junction boxes, switchgear, pad mounted transformers 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. 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. The applicant may be required to show details of how the site will be provided with all services being underground.

Housing

4. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement pursuant to section 565.2 of the Vancouver Charter securing 102 social/supportive residential units in the development for 60 years or the life of the building, whichever is greater, as supportive housing (52 units) and social housing (50 units), and subject to the following additional conditions in respect of those units:
 - (a) that, after subdivision by air space plan, all such social/supportive housing units be contained within a parcel that is separate from the parcel containing the market housing units;
 - (b) that such parcel containing the social/supportive housing units may not be subdivided by deposit of a strata plan;
 - (c) that none of the social/supportive housing units may be separately sold;
 - (d) that 52 of the social/supportive housing units shall be supportive housing units which will be rented at a rate where the tenant contribution to rent is no more than the shelter component of income assistance (currently \$375);
 - (e) that the remaining 50 social/supportive housing units shall be rented at HILs or CMHC market rents, whichever is lower;
 - (f) that all 102 units of the social/supportive housing will comply with the definition of "social housing" in the applicable City development cost levy by-law;
 - (g) that none of the social/supportive housing units will be rented for less than one month at a time;
 - (h) that the operator shall provide a draft Operations Management Plan; and
 - (i) such other terms and conditions as the Director of Legal Services and the Managing Director of Social Development may in their sole discretion require.

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement pursuant to section 565.2 of the Vancouver Charter securing 67 market residential units in the development as rental housing for 15 years and subject to the following additional conditions in respect of those units during the 15 years:
 - (a) that, after subdivision by air space plan, all such market housing units be contained within a parcel that is separate from the parcel containing the social/supportive housing units;
 - (b) that none of the market housing units may be separately sold;
 - (c) that none of the market housing units will be rented for less than one month at a time; and

- (d) on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion require.

Soils Agreement

- 6. If applicable:
 - (a) Submit a Site Profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team).
 - (b) As required by the Manager of Environmental Planning 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.
 - (c) If required by the Manager of Environmental Planning 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 Planning, the General Manager of Engineering Services and the 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 a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has 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 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-law.

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 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" (DEOD)], generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD 1 Rezoning: 33-49 East Hastings Street", be approved.
- C. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as

set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 33-49 East Hastings Street".

- D. THAT, subject to enactment of the CD-1 by-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD 1 Rezoning: 33-49 East Hastings Street".
- E. THAT, subject to approval in principle of the rezoning and the Housing Agreements described in section (c) of Appendix B of the Policy Report dated September 10, 2013, entitled "CD 1 Rezoning: 33-49 East Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement by-laws, one for the proposed social/supportive housing and one for the proposed market rental housing, prior to enactment of the amending by-law contemplated by the same report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.
- F. THAT Recommendations A through E 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; 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 - 33-49 East Hastings Street)