

SUMMARY AND RECOMMENDATION

7. REZONING: 4459 Rupert Street

Summary: To rezone 4459 Rupert Street from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey mixed-use building with commercial-retail at grade, and 12 secured for-profit affordable rental housing units on the upper floors. A height of 15.0 metres (49 feet) and a floor space ratio (FSR) of 2.6 are proposed.

Applicant: Lang Wilson Practice in Architecture Culture Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 15, 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 Lang Wilson Practice in Architecture Culture Inc., on behalf of Rejoyce Investment Corp., to rezone 4459 Rupert Street [*Lot 3 Except the West 8 feet now Lane Block 4 South East 1/4 of Section 49 Town of Hastings Suburban Lands Plan 1705; PID: 006-139-515*] from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 1.2 to 2.6 and the building height from 10.7 m (35.1 ft.) to 15 m (49.18 ft.), to permit the development of a four-storey mixed use building with commercial at grade and 12 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 Lang Wilson Practice in Architecture Culture Inc and stamped "Received City Planning Department, June 2, 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. Consideration for design development to reduce the height and mass of the stair shaft as it appears above the roof line as much as possible.
2. Submission of a bird friendly strategy for the design of the building 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 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)

3. 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.

Affordable Housing

4. That the proposed unit mix, 50% 2-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 Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children. Consider inclusion of

5. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured for-profit affordable rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.

Engineering

6. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.

Note to Applicant: Consider providing additional parking spaces at grade to achieve the minimum required parking on site. Contact the Parking Management Branch for more information.

7. 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.

8. 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.
9. 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.
10. 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.
11. Provision of separated garbage storage for residential and commercial uses.
12. Delete special sidewalk treatments from public property and show standard broomed finishes.
13. Provision of 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."
14. 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.

15. Provide automatic door openers on the doors providing access to the bicycle room(s) and note on plans.
16. Design development to improve the elevator size and access for the Class A bicycle spaces provided in the basement.

Note to Applicant: As the Class A bicycle spaces are required to use the elevator, a larger elevator with double doors and widened elevator entrance is required. The elevator is to be a freight style elevator to comfortably accommodate two people with two bicycles and provide minimum interior dimensions of 5'-6" x 6'-8". Consider durable finishes in the elevator and the hallways required for bicycle access.

17. All Class B bike parking to be provided on private property and should not encroach in any way on public property. Consider providing a single u-rack on private property.
18. 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) Remove bollard located within the disability stall;
- (ii) Provision of design elevations within the parking and loading areas to calculate the slope and crossfall;
- (iii) Provision of an improved plan showing the pole location within the lane to confirm that the pole does not obstruct access to the parking stall;

Note to Applicant: Note the minimum vertical clearance on all section drawings. 2.3m of vertical clearance is required for access and maneuvering to all disability spaces.

- (iv) 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 elevator. This is required for documentation purposes."

Sustainability

19. 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

20. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape, by ensuring planting depth exceeds BCSLA standards (not including drainage layer).

Note to Applicant: Current plans do not exceed the standard planting depths and should be revised accordingly.

21. Provision of 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.

Note to Applicant: Planter section details must confirm with dimensions the depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future, at a depth that exceeds BCSLA standard (Refer to condition 20).

22. Coordination of new proposed street trees with Engineering and the Park Board, confirming quantities, species, sizes and locations, and addition of the following note on the plans:

Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Eileen Curran at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. New street trees to be confirmed prior to issuance of the building permit. Call Cabot Lyford at Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion.

Note to Applicant: The applicant must contact Park Board and Engineering prior to final DP submission and ensure this information is included on the Plant Schedule.

23. Provision of a high-efficiency automatic irrigation system to be provided for all planters.
24. Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note:

“Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees. Methods of tree protection for street trees to be approved by Park Board”.

Note to Applicant: Methods of tree protection for street trees (as approved by Park Board) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection.

25. Provision on the landscape drawings of landscape features intended to create a bird friendly design.

Note to Applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. 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>.)

26. Provision of the following for complete information:

- (i) Plans to be at a correct, known scale (not reduced) and to match architectural scale;
- (ii) Details to be referenced on plans; and
- (iii) Improved graphic readability by deleting grey tones or submit plans in colour.

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. Release of Indemnity Agreement 23865M (support agreement) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to issuance of the development permit, 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 at the DP stage.

2. Provision of a building setback and a surface Statutory Right of Way (SRW) on Rupert Street to achieve a 4.5 m (14'- 9") sidewalk from the back of the existing City curb to the building face. A legal survey of the

existing dimension from the back of the City curb is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrances such as structures, stairs, door swings, chairs and tables, landscaping and bicycle parking. The SRW agreement will accommodate portions of the basement level and levels 2 & 3 within the SRW area.

3. Enter into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of 1 Shared Vehicle and the provision and maintenance of 1 Shared Vehicle Parking Space for use exclusively by such Shared Vehicle, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
 - (i) Provide 1 Shared Vehicle to the development for a minimum period of 3 years;
 - (ii) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle;
 - (iii) Provide and maintain the Shared Vehicle Parking Space for use exclusively by such shared vehicle;
 - (iv) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space;
 - (v) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
 - (vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
 - (vii) Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9m.

4. 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 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 upgraded street lighting adjacent the site to LED standard.
 - (iii) Provision of CIP light broom finish saw cut concrete sidewalk on the site frontage between the existing front boulevard and the property line. Note that as adjacent properties redevelop the front boulevard and sidewalk alignment will be adjusted to deliver a consistent front boulevard width and treatment with grass and trees.
 - (iv) Provision of signal modifications at the intersection of Rupert & 29th, including countdown timers and LED lighting.
 - (v) Provision of a restoration bond to secure any repair to the macadam lane adjacent the site to pre-construction condition should construction activities inflict significant damage to the lane surface. Restoration is at the full discretion of the General Manager of Engineering Services.
5. 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.

6. Submission 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:
- (i) Retain or infiltration the 6-month storm event volume (24 mm) onsite;
 - (ii) Treat the 2-year event (48 mm) onsite;
 - (iii) Maintain the pre-development 5 year storm event rate; and
 - (iv) The predevelopment estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall use the 2100 IDF curve to account for climate change.

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 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 the 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 proposed starting rents subject to adjustment as contemplated by the Vancouver Development Cost Levy-By-law;

Unit Type	4459 Rupert St - Proposed Average Starting Rents
1-bedroom	\$1,642
2-bedroom	\$2,333

- (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 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 the Vancouver *Development Cost Levy By-law*; and

- (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 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

8. 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 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 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 May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- 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 May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 4459 Rupert 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 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 - 4459 Rupert Street]