



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: September 17, 2019
Contact: Karen Hoesse
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VanRIMS No.: 08-2000-20
Meeting Date: October 1, 2019

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 2601-2619 East Hastings Street

RECOMMENDATION

- A. THAT the application by Studio One Architecture Inc. and JTA Development Consultants, on behalf of Nicolaou Properties, to rezone 2601-2619 East Hastings Street [*Lots 30, 31, and 32, all of District Lot 52, Town of Hastings Suburban Lands, Plan 410, PIDs: 015-296-211, 015-296-237, and 015-296-253 respectively*] from C-2C to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 3.0 FSR to 3.74 FSR and the building height from 13.8 m (45.3 ft.) to 21.9 m (71.9 ft.) to permit the development of a six-storey mixed- use building including 46 rental housing units, be referred to a Public Hearing, together with:
- (i) Plans prepared by Studio One Architecture Inc., received on May 16, 2019;
 - (ii) Draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application in principle, including approval in principle of the form of development, subject to the Conditions of Approval contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT, if after Public Hearing, Council approves in principle this rezoning and the Housing Agreement described in Part 2 of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, prior to enactment of the CD-1 By-law, 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, if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C, be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally as set out in Appendix C, for consideration at the Public Hearing.

- D. THAT, subject to enactment of the CD-1 By-law, the *Noise Control By-law* be amended generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the *Noise Control By-law* at the time of enactment of the CD-1 By-law.

- E. THAT Recommendations A to D be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report evaluates an application to rezone three parcels located at 2601-2619 East Hastings Street from C-2C District to CD-1 (Comprehensive Development) District to permit the development of a six storey mixed-use building with 46 secured rental residential units at a height of 21.9m (71.9 ft.) and an FSR of 3.74. The site is located in the Hastings-Sunrise Community-Vision Area and is being considered under the *Secured Market Rental Housing Policy* commonly known as *Rental 100*.

Staff have assessed the application and conclude that it generally meets the intent of the *Rental 100* policy. The application is also consistent with the *Development Cost Levy By-law* definition for “for-profit-affordable rental housing” for which Development Cost Levies (DCLs) may be waived.

If approved, the application would contribute 46 secured rental housing units towards achieving the City's goals identified in the *Housing Vancouver Strategy*. Staff recommend the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the Public Hearing, along with the Conditions of Approval outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council Policies for this site include:

- *Secured Market Rental Housing Policy (Rental 100) (2012, amended 2015)*
- *Rental Incentive Guidelines (2012, amended 2018)*
- *Hastings-Sunrise Community Vision (2004)*
- *High-Density Housing for Families with Children Guidelines (1992)*
- *Family Room: Housing Mix Policy for Rezoning Projects (2016)*
- *Tenant Relocation And Protection Policy (2015, last amended 2019)*
- *Housing Vancouver Strategy (2017)*
- *Heritage Action Plan (2013)*
- *Green Buildings Policy for Rezoning (2010, last amended 2018)*
- *Community Amenity Contributions through Rezoning (last amended 2018)*
- *Vancouver Development Cost Levy By-law No.9755 (2008, last amended 2018)*

REPORT

Background/Context

1. Site and Context

This site is zoned C-2C and located on the northeast corner of the intersection of East Hastings Street and Penticton Street (see Figure 1) within the Hastings-Sunrise neighbourhood. The site is comprised of three lots with a combined area of 1,122 sq. m. (12,080 sq. ft.) and currently contains the following buildings:

- a one storey commercial building constructed in 1928 on the corner of Hastings and Penticton (the "Swanson Store");
- a one-storey residential structure containing two rental residential units built in 1928 (the "Swanson Residence") which is attached to the Swanson Store; and
- a two-storey mixed-use building constructed in 1912 containing ground floor retail uses and one rental residential unit on the second floor.

None of the buildings noted above are listed on the Vancouver Heritage Register and none are designated as protected heritage property, but the application does propose to retain the façade of the Swanson Residence.

Both sides of East Hastings Street are zoned C-2C, which permits mixed-use buildings up to 3.0 FSR. Across the finished lane to the north the properties are zoned RS-1 which permits single-family housing, laneway houses, and infill development. East Hastings Street is part of Translink's Frequent Transit Network (FTN).

Two *Rental 100* projects are located near the site:

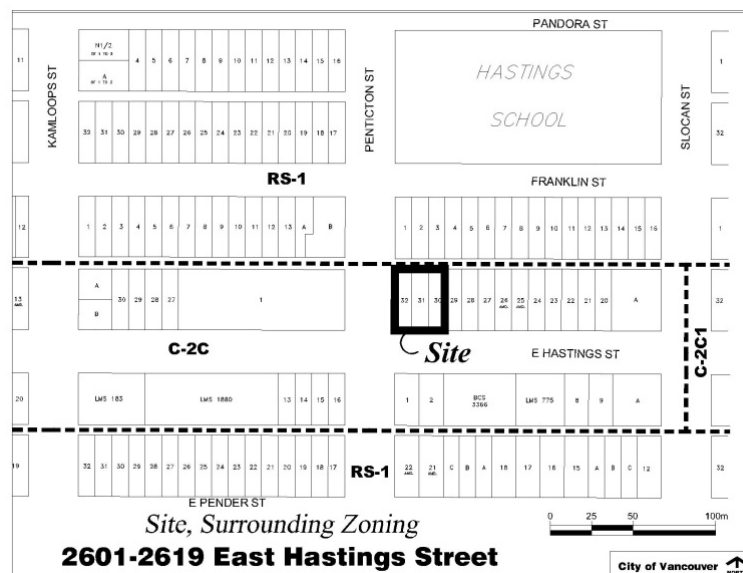
- 2735 E Hastings Street: rezoning application for a six storey mixed-use building containing 63 secured market residential rental units; and
- 2805 E Hastings Street: approved six-storey mixed-use building containing 91 secured market residential rental units.

Local School Capacity - This site is in the vicinity of two schools, neither of which have reached their capacity. Located one block north is Hastings Elementary School, with an operating capacity of 658 students. Current enrolment is 599 students (91%). As described in the Vancouver School Board (VSB)'s Draft Long Range Facilities Plan dated May 29, 2019, by 2027, the draft plan forecasts a drop in enrolment to 65% of the operating capacity. Templeton Secondary School is located approximately 650 metres to the southwest of the site and has an operating capacity of 1400 students. Its current enrolment is 800 students (57%) which is forecast to remain stable until 2027.

Neighbourhood Amenities - The following neighbourhood amenities exist in the area:

- Parks: Pandora Park (2325 Franklin Street) is located two blocks to the west of the site and Hastings Community Park (3096 E Hastings St) is located three blocks to the east.
- Cultural/ Community Space: Hastings Community Centre is located at 3096 East Hastings Street. Hastings Library is located a block away at 2674 East Hastings Street
- Child Care: Five licensed group childcare facilities are currently located within one kilometer of the site for children aged infant to five years old.

Figure 1: Location Map



2. Policy Context

Secured Market Rental Housing Policy (Rental 100) - In May 2012, Council approved the *Secured Market Rental Housing Policy*, commonly known as the Rental 100 policy, which provides incentives for new developments where 100% of the residential floor space provided is non-stratified rental housing. This is the enabling policy allowing consideration of the rezoning for this site. Rezoning applications considered under this policy must meet a number of criteria including security of tenure, location, and form of development.

Rental Incentive Guidelines - The intent of the *Rental Incentive Guidelines* is to inform the way in which rental incentives, taken at the applicant's direction, are applied to specific projects. Applications made under section 1.2 of the *Secured Market Rental Housing Policy* are eligible for additional floor area and height subject to an urban design review along with relaxations of the unit size for studio units provided the design and location of the unit provides satisfactory living accommodation. Parking reductions and a DCL waiver for residential floor area are also incentives available to the applicant. For sites zoned C-2C (mixed-use), the guidelines provide consideration of heights up to six storeys with a commensurate increase in density.

Housing Vancouver Strategy (2017) - In November 2017, Council approved the *Housing Vancouver Strategy* (2018 – 2027) and 3-Year Action Plan (2018-2020). The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The Housing Vancouver targets are based on the core goals of retaining diversity of incomes and households in the city, shifting housing production towards rental to meet the greatest need, and coordinating action with partners to deliver housing for the lowest income households. Overall, 72,000 new homes are targeted for the next 10 years, including 12,000 social, supportive and non-profit co-operative units and 20,000 purpose-built rental units. Nearly 50 per cent of the new units will serve households earning less than \$80,000 per year, and 40 per cent will be family-size units. This application will contribute towards the targets for purpose-built market rental units and units for families.

Development Cost Levy By-law No. 9755 – Under Section 3.1A of the Development Cost Levy By-law, projects that meet the by-law's definition of "for-profit affordable rental housing", a term specifically used by the Province in Section 523D(10.3)(a) of the Vancouver Charter are eligible for a DCL waiver for the rental housing portion of the development. The waiver regulates maximum unit sizes and maximum average rents by unit type for the project. Current rental rates and unit sizes are outlined in the *Rental Incentive Guidelines* and are updated on an annual basis. The applicant has requested the DCL waiver. An analysis of the proposed rental rates as compared to DCL waiver conditions, are contained in Appendix F.

Strategic Analysis

1. Proposal

The original application was submitted on January 26, 2018 and indicated a density of 3.73 FSR and a height of 21.7m (71.0 ft.). Revised drawings were subsequently submitted on May 16, 2019, detailing changes from concrete construction to wood along with minor design changes. The density was increased to 3.74 FSR and the height was increased to 21.9m (71.8 ft.). This report is based on the May 16, 2019 revised drawings (see Appendix E).

In accordance with the *Rental 100* policy, this application proposes a six-storey, mixed-use building with commercial uses at grade and a total of 46 secured market rental housing units all

Figure 2: Looking North-East – Corner of East Hastings and Penticton Streets



The site plan illustrates the proposed new building and its context within the urban grid. The building is situated on a lot bounded by Penticton Street to the west and East Hastings Street to the south. The plan includes detailed setbacks, easements, and existing infrastructure, providing a comprehensive overview of the development site.

2. Land Use

The three parcels located at 2601-2619 East Hastings Street are zoned C-2C (Commercial) District. The intent of the C-2C District Schedule is to maintain commercial activities and local serving retail, and to promote a pedestrian oriented shopping area by increasing residential opportunities and limiting the amount of office space. A total of 571 sq. m (6,144 sq. ft.) of leasable commercial floor area is provided at grade along East Hastings and Penticton Streets, wrapping around to the lane. Conditions related to the location of office uses are contained in Appendix A, with the intention of supporting more active uses at the corner of East Hastings Street and the City boulevard along Penticton Street. The proposed CD-1 by-law provides for both residential and commercial uses which are consistent with the intent of the *C-2C District Schedule* and the objectives of the *Rental 100* policy.

3. Density, Height and Form of Development (Refer to drawings in Appendix E and statistics in Appendix H).

The *Rental Incentives Guidelines* support secured market rental developments, subject to urban design performance and provide general direction for additional height up to six-storeys for C-2C zoned sites. In addition, the *C-2 Guidelines* inform the *Rental Incentives Guidelines* and encourage development that is compatible with the scale and massing of surrounding buildings, including respect for privacy and solar access through setbacks. The proposal has been generally assessed using these provisions.

Height and Density - This application proposes a six-storey building with a height of 21.9m (71.9 ft.) and a density of 3.74 FSR. The sixth floor has been setback to present a five-storey street wall to East Hastings Street, with further setbacks along the lane to reduce shadowing and overlook onto the RS-1 housing to the north. The upper level setbacks of the building on the north and south Elevations are generally in line with the requirements in the *C-2 Design Guidelines* which the *Rental Incentive Guidelines* references.

Character Building Façade - In early reviews, staff identified the Swanson Residence and the Swanson Store, which are not listed on the Vancouver Heritage Register, as good examples of the Mission Revival Style popular during the 1920s and 1930s, as having potential heritage value. Staff concluded that the full retention of the Swanson buildings is not viable for the development as proposed, nor would it likely be possible if the site was developed under the existing zoning, due to their size. However, retention of a portion of the original character of the Penticton Street streetscape was deemed to be viable.

On March 12, 2018, staff brought the proposal to the Vancouver Heritage Commission, which concluded that the proposed retention of the façade is not supportable as a heritage conservation project (see Appendix D for the resolutions of the Vancouver Heritage Commission). However, staff concluded that the proposed retention of the Swanson Residence Façade would contribute to the Penticton Street streetscape and the character of the area.

The application proposes to relocate the Swanson Residence Facade to approximately 1.3 m (4.2 ft.) from the west property line, and restore the façade at this location (see Figure 4). The second floor of the new building is setback to delineate it from the retained façade. A Section 219 heritage restoration / maintenance covenant is also required to ensure that the façade is maintained over time (See Part 2 of Appendix B).

Figure 4: Swanson Residence Façade – West Elevation

Streetscape - On East Hastings Street, the proposed retail frontages are setback 2.0 m (6.7 ft.) from the south property line to provide a 5.5 m (18.0 ft.) public realm setback. Urban design conditions in Appendix B are included to further refine the integration of the Swanson Residence Façade into the new building.

Local Serving Retail – In order to encourage local serving retail uses, the maximum permitted commercial frontage is proposed to be 15.3m (50.2 ft.) and office uses are not to be permitted within 10.7m (35.1 ft.) of a street, except for entrances, which is consistent with the C-2C District Schedule.

The Urban Design Panel reviewed this application on April 18, 2018 and supported the project with recommendations (see Appendix D).

Staff have concluded that the density, massing and height are appropriate to the location and meet the objectives of the *Rental 100* policy. Staff support the application, including the retention of the Swanson Residence Façade, subject to the conditions outlined in Appendix B.

4. Transportation and Parking

The application proposes 43 off-street parking spaces, of which sixteen are for commercial uses, located in two levels of underground parking, as well as 70 bike storage spaces. The overall required number of off-street parking spaces is 36. However, the application seeks a 20% reduction in the required number of residential parking spaces (from 29 to 23). This can be considered with the submission and approval of a Transportation Demand Management (TDM) plan as provided for in Section 3.2.3 of the Parking By-law, under which a reduction of up to 20% in residential parking for secured rental projects near major transit routes is possible. Conditions related to the TDM plan are provided in Appendix B.

5. Housing

The Housing Vancouver Strategy strives to enhance access to rental housing and sets a number of short- and long-term rental housing targets. This application, if approved, would add 46 secured market rental housing units to the City's inventory of rental housing, which would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 5).

Figure 5: Progress Towards 10-Year Housing Vancouver Targets for Secured Market Rental Housing as of June 30, 2019

Housing Type	10-YEAR TARGETS	Units Approved Towards Targets
Purpose-Built Market Rental Housing Units	20,000	2,242

*Note that tracking progress towards 10-year Housing Vancouver targets began in 2017

*Unit numbers exclude the units in this proposal, pending Council's approval of this application.

Housing Mix - This proposal would deliver a variety of unit types in the form of studio units (11 units), one-bedroom units (19 units), two-bedroom units (12 units), and three-bedroom units (4 units). The two- and three-bedroom would account for 35% of all units, thereby meeting the minimum 35% family housing requirement under *the Family Room: Housing Mix Policy in Rezoning Projects*. The units are required to meet the objectives of the *High Density for Families with Children Guidelines*, which sets targets regarding on site amenity space and similar livability objectives.

Security of Tenure - All 46 of the rental housing units will be secured through a Housing Agreement or a section 219 Covenant for the longer of the life of the building or 60 years, and would preclude the stratification and/or separate sale of individual units. Conditions relating to securing the units are contained in Appendix B.

Vacancy Rate - Vancouver has one of the lowest vacancy rates in Canada. In the fall of 2018, the vacancy rate in the city was 0.8%. The vacancy rate in this area (Zone 9 East Hastings in the CHMC Market Rental Housing Survey) was lower at 0.6%. A vacancy rate of 3% represents a balanced market.

Existing Tenants - If Council approves this application the three units now existing on site would be replaced with 46 new secured rental housing units. Redevelopment of the site would require the relocation of the existing tenants during construction. At the time of application, all three units on site were tenanted. One tenancy had started less than one year prior to the rezoning application being received and the provisions of the City's *Tenant Relocation and Protection Policy* (TRP Policy) do not apply to it. Of the two tenancies covered by the TRP Policy, the average tenancy length is approximately 6 years.

Tenant Relocation and Protection – The TRP Policy applies to this site and the applicant has provided a draft Tenant Relocation Plan (TRP) which will be secured as a condition of rezoning. A final TRP will be required at the time of the development permit application, and a final Tenant Relocation Report will be required prior to issuance of the Occupancy Permit.

Under the 2019 amended TRP Policy, eligible tenants receive a minimum of four months free rent or more based on length of tenancy, a flat-rate payment towards moving costs, and assistance finding alternative accommodation including one option within the neighbourhood. Eligible tenants who choose to do so can exercise a First Right of Refusal to return to one of the

replacement units in the new building at 20 per cent below market rates. See Appendix H for a summary of the TRP terms.

All tenancies are protected under the BC *Residential Tenancy Act* that governs how residential properties are rented, and includes specific provisions around ending tenancies. Any disputes would be resolved through the Residential Tenancy Branch.

DCL Waiver - The applicant has requested and is eligible for a DCL waiver for the residential floor area in exchange for meeting maximum average rental rates and unit sizes under the DCL By-law. See Figure 6 for a comparison of the current DCL rental levels and the proposed rents including a comparison of proposed rents to average rents in newer buildings in the east area of Vancouver. When compared to home ownership costs, the proposed rents in this application will provide an alternative to homeownership, particularly for larger units. The provisions that would make the project eligible for the DCL waiver will form part of the Housing Agreement contained in Appendix B.

Section 3.1B(c) of the DCL By-law allows for rents to be increased annually from the time of public hearing to initial occupancy, as per the maximum allowable increases under the BC *Residential Tenancy Act*. A final rent roll that sets out the initial monthly rents for all units will be required prior to issuance of the occupancy permit in order to ensure compliance with the maximum increases authorized by the DCL By-law. After occupancy, rent increases are regulated by the Residential Tenancy Act.

Figure 6: Comparable Average Market Rents and Home-Ownership Costs (Eastside)

	2601-2619 E Hastings Average Proposed Rents	Average Market Rent in Newer Buildings - Eastside (CMHC, 2018) ¹	DCL By-Law Maximum Averages - Eastside (CMHC, 2018) ²	Monthly Costs Associated with Purchase of a Median Priced Unit – Eastside (BC Assessment 2018) ³
Studio	\$1,360	\$1,556	\$1,607	\$2,455
1-bed	\$1,730	\$1,746	\$1,869	\$3,009
2-bed	\$2,308	\$2,339	\$2,457	\$4,112
3-bed	\$3,030	\$2,828	\$3,235	\$5,897

1. Data from the October 2018 CMHC Rental Market Survey for buildings completed in the year 2008 or later on the Eastside of Vancouver.
2. For studio, 1-, 2-, and 3-bedroom units, the maximum DCL rents are the average rents for all residential units built since the year 2005 in the City of Vancouver as published by CMHC in the fall 2018 Rental Market Report.
3. Based on the following assumptions in 2018: median of all BC Assessment recent sales prices in Vancouver Eastside in 2018 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150 – 250 monthly strata fees and monthly property taxes at \$2.47 per \$1,000 of assessed value.

The applicant has estimated the rental rates for each unit type. Figure 7 shows household incomes relative to the proposed rents.

Figure 7: Proposed Rents and Affordability by Household Income

	2601-2619 E Hastings St Average Proposed Rents	Household Income Ranges – Rents at or below 30% of before-tax income ¹
Studio	\$1,360	\$60,000 - \$69,000
1-bed	\$1,730	\$70,000 - \$79,999
2-bed	\$2,308	\$90,000 - \$99,999
3-bed	\$3,030	\$125,000 - \$149,999

1. As per Statistics Canada, affordable housing is defined as shelter costs equal to or less than 30% of total before-tax household income. Income ranges are used above which allow for further analysis at a neighbourhood or citywide level.

Through the Development Permit application process, the City will ensure that average unit sizes do not exceed the maximum thresholds set out by DCL By-law.

6. Environmental Sustainability and Natural Assets

Green Buildings -The *Green Buildings Policy for Rezoning*s requires that residential rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy. These new requirements are mandatory for all rezoning applications received on or after May 1, 2017. The project is required to satisfy the *Green Buildings Policy for Rezoning*s and the applicant has submitted preliminary energy modelling analysis detailing building performance strategies to meet the new energy use intensity, greenhouse gas and thermal demand targets.

Natural Assets - The *Urban Forest Strategy* helps preserve, protect and strengthen Vancouver's urban forest and tree canopy for the future. In April 2014, Council amended the *Protection of Trees By-law* to maintain a healthy urban forest by requiring permission to remove trees which meet certain conditions. The intent is to retain and protect as many healthy, viable trees as possible, while still meeting the challenges of development, housing priorities and densification. This is in keeping with City goals to achieve resilient and healthy natural systems in our urban areas.

A tree with a diameter greater than 20cm (7.9") is subject to the Tree By-law and requires a permit if it is proposed to be removed. No existing trees on the site are subject to the Tree By-law. There are nine street trees in total on City lands adjoining the site. One tree is dead and is to be removed along with two smaller trees near the site's west property line. Protection of the remaining six street trees during construction is required. New columnar trees are proposed on the Penticton Street boulevard. See Appendix B for landscape and tree conditions.

Public Input

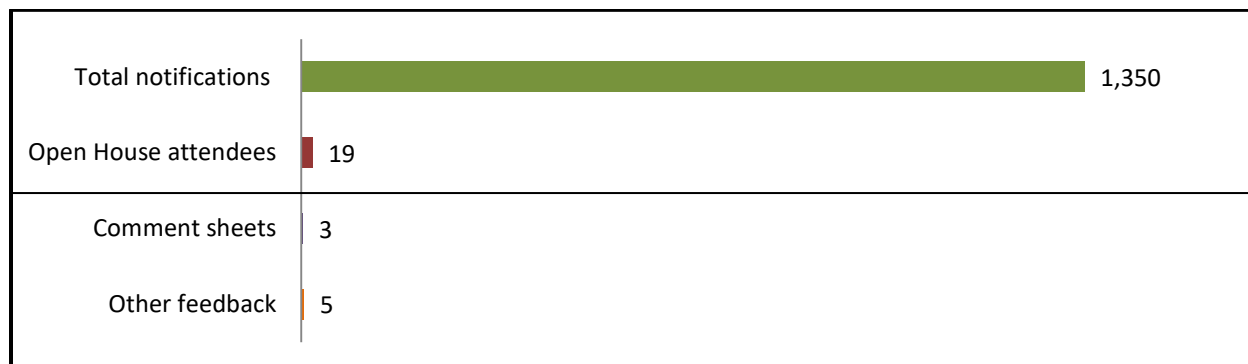
Public Notification - A rezoning information sign was installed on the site on March 22, 2018. Approximately 1,350 notifications were distributed within the neighbouring area on or about March 21, 2018. Notification and application information, as well as an online comment form, were posted on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

Community Open House – On April 10, 2018, a community open house was held from 5-7 pm at Hastings Community Centre, 3096 East Hastings Street. Staff, the applicant team, and approximately 19 people, attended the open house.

Public Response - Public responses to this proposal submitted to the City are as follows:

- Three comment sheets, received in response to the April 10, 2018 open house.
- Five letters, e-mails, online comment forms, and other feedback.

Figure 8: Public Notification and Responses



Summaries of the key themes from the public feedback are provided below.

Support expressed by the respondents included the following:

- The project provides more housing options for the area.
- Scale of the building and unit types will provide opportunities for existing residents to remain in the area including renters with families.

Concerns expressed by respondents included the following:

- Building height and impact on surrounding properties.

See Appendix D for a more detailed summary of public comments on the application.

Staff Response - Public feedback has assisted staff with assessment of the application. Responses to key feedback are as follows:

Building Scale and Neighbourhood Impact - The *Rental 100* policy allows buildings up to six storeys in height subject to design performance. The design of the building incorporates a number of setbacks generally in line with the *C-2 Design Guidelines* which the *Rental 100* policy references. Staff worked with the applicant to maximize building setbacks and minimize privacy impacts as much as possible. Staff conclude that the height and density proposed are appropriate for the neighbourhood context, subject to conditions listed in Appendix B.

Public Benefits

In response to City policies, which address changes in land use and density, this rezoning application offers the following public benefits:

Development Cost Levies (DCLs) – DCLs collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and engineering infrastructure.

This site is subject to a City-wide DCL and a City-wide Utilities DCL on the proposed 3,629 m² (39,048 sq. ft.) of residential floor area., as well as the 571 m² (6,148 sq. ft.) of commercial floor area.

In accordance with the provisions of Section 3.1A of the DCL By-law, the applicant has requested a waiver of the DCLs attributed to the residential floor area proposed to qualify as for-profit affordable rental housing. Based on rates in effect as of September 30, 2019, the value of the DCL waiver is approximately \$1,005,470. A review of how the application meets the waiver criteria is provided in Appendix F.

Based on the rates in effect as of September 30, 2019, total DCLs of \$126,858 would be anticipated from the commercial floor area.

DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. . See the City's [DCL Bulletin](#) for details on DCL rate protection.

Public Art Program – The *Public Art Policy for Rezoned Developments* requires rezonings having a floor of 9,290 sq. m (100,000 sq. ft.) or greater to contribute public art. As the proposed total floor area is below the threshold, no public art contribution is required.

Community Amenity Contributions - Within the context of the City's Financing Growth Policy, an offer of a Community Amenity Contribution (CAC) to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of on-site amenities or a cash contribution towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

The *Community Amenity Contributions - Through Rezonings* policy provides an exemption for routine, lower density secured rental rezoning applications that align with the *Rental 100* policy and the accompanying *Rental Incentive Guidelines*. Staff note that as this site is currently zoned C-2C and proposes to rezone to 6 storeys, the application is eligible for this CAC exemption. The offered public benefit achieved through this application is 46 secured market rental housing units.

See Appendix G for a summary of the public benefits for this application.

Financial Implications

Based on rates in effect as of September 30, 2019 it is anticipated that the project will pay approximately \$126,858 of DCLs on the commercial floor area. The residential component of the project is expected to qualify for a DCL waiver as for-profit affordable rental housing, forgoing approximately \$1,005,470 of DCLs.

The 46 rental housing units, secured by a Housing Agreement and Section 219 Covenant for the longer of the life of the building and 60 years, will be privately owned and operated.

No additional CAC or public art contribution is applicable.

CONCLUSION

Staff have reviewed the application to rezone the site at 2601-2619 East Hastings Street from C-2C to CD-1 to permit development of 46 rental housing units, and conclude the application is consistent with the objectives of the *Rental 100* policy. The incentives provided of additional height, density, and a DCL waiver, assist with the delivery of needed rental housing units, and are permissible under the *Rental 100* policy. The proposed form of development represents an appropriate urban design response to the site and context. If approved, this application would make a contribution to the achievement of key housing goals outlined in the *Housing Vancouver Strategy*.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A and by-law to amend the Sign By-law generally as shown in Appendix C. Further, it is recommended that, subject to the Public Hearing, the application including the form of development, as shown in the plans in Appendix E, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

* * * * *

2601-2019 E. Hastings Street
DRAFT BY-LAW PROVISIONS

Note: A By-law to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z- (____) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to public hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

Designation of CD-1 District

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 ().

Uses

3. Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
 - (b) Cultural and Recreational Uses, limited to Artist Studio, Arcade, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, and Theatre;
 - (c) Office Use;
 - (d) Retail Uses, limited to Cannabis Store, Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Grocery Store with Liquor Store, Liquor Store,, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;
 - (e) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal

Studio, Restaurant – Class 1, Restaurant – Class 2, School – Arts or Self-Improvement, School – Business, and School – Vocational or Trade;

- (f) Institutional Uses, limited to Child Day Care Facility, and Social Service Centre; and
- (g) Accessory uses customarily ancillary to the uses permitted in this section.

Conditions of use

- 4.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
 - (a) Farmers' Market;
 - (b) Neighbourhood Public House;
 - (c) Public Bike Share;
 - (d) Restaurant; and
 - (e) Display of flowers, plants, fruits and vegetables in conjunction with a permitted use.
- 4.2 The design and layout of at least 35% of the dwelling units must, in the opinion of the Director of Planning:
 - (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with all applicable policies and guidelines.
- 4.3 The maximum frontage for any commercial use is 15.3m.
- 4.4 No general office except for entrances thereto shall be located within a depth of 10.7 m of the front wall of the building and extending across its full width on that portion of a storey having an elevation within 2.0 m of street grade on the fronting street except that this section shall not apply to an insurance, travel agency or real estate office provided the Director of Planning first approves the location and size of the office space.
- 4.5 No portion of the first storey of a building to a depth of 10.7 m from the East Hastings Street frontage of the building and extending across its full width shall be used for residential purposes, except for entrances to the residential portion.

Floor area and density

- 5.1 Computation of floor area must assume that the site consists of 1,122 m² being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

- 5.2 The maximum permitted floor area for all uses combined is 4,200 m².
- 5.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.
- 5.4 Computation of floor area must exclude:
- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of the permitted floor area for dwelling units; and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing; those floors or portions thereof so used, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
 - (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit there will be no exclusion for any of the residential storage area above base surface for that unit.
- 5.5 Computation of floor area may exclude amenity areas, except that the total exclusion for amenity areas must not exceed 10% of permitted floor area.
- 5.6 The use of floor area excluded under section 5.4 or 5.5 must not include any use other than that which justified the exclusion.

Building height

6. The maximum permitted building height is 21.9 m.

Horizontal angle of daylight

- 7.1 Each habitable room must have at least one window on an exterior wall of a building.
- 7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

- 7.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:
- (a) the Director of Planning or Development Permit Board first considers all of the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m.
- 7.5 An obstruction referred to in section 7.2 means:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 ().
- 7.6 A habitable room referred to in section 7.1 does not include:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

8. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustical engineer demonstrating that the noise levels in those portions of dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

Zoning and Development By-law

9. Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 ().

**2601-2619 E Hastings Street
CONDITIONS OF APPROVAL**

Note: If the application is referred to a public hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the hearing minutes for any changes or additions to these conditions.

PART 1: CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

Note: Consideration by Council at the public hearing of the proposed form of development is in reference to plans prepared by Studio One Architecture Inc., stamped received May 16, 2019, and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

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. Drawings for the Development Permit are to identify unit types, mix, and sizes.

Note to applicant: Any changes in the unit mix from the rezoning approved by Council require the approval of the Director of Planning but in no case shall the number of residential units designed to be suitable for families with children (which includes two- and three-bedroom units) be lower than 35% of the total number of residential units. If the DCL waiver is sought, then the average unit floor areas must meet the threshold requirements in the *DCL By-law*.

2. The development is to comply with the *High-Density Housing for Families with Children Guidelines*, including, but not limited to, providing a kitchenette and an accessible washroom in the indoor common amenity rooms.

Note to applicant: Design the outdoor amenity area to accommodate a range of children's play activities.

3. Prior to the issuance of a development permit for this project, the applicant is to display a sign on the site, throughout construction, which acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. The sign design, format, and location require approval by the Director of Planning prior to installation.
4. Design development as follows:
 - (a) Drawings and details of the retention of the Swanson Residence Façade are required at the development permit stage indicating the restoration strategy and retained or replicated features.
 - (b) The proposed bicycle racks in front of the storefronts impede pedestrian flow and are to be relocated. Consultation with Engineering Services staff will be required to determine the appropriate locations.

5. Submission of an original, sealed copy of a survey plan of the site, verified by a British Columbia Land Surveyor, is required at the time of development permit application, in order to verify technical requirements.

Note to Applicant: Floors used for mechanical equipment, bicycle storage, elevator lobbies (at the roof level), tool storage, and similar areas located above base surface are to be included in the calculation of floor area. The maximum permitted height has been measured to the top of the rooftop stair assembly, for reference. The balconies at Levels 3 to 5 are encroaching into the statutory right of way (SRW) and will need to be reviewed by Engineering Services staff (see Part-2 Conditions of By-law Enactment in Appendix B).

6. 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 which may be applicable. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/gudelines/B021.pdf>

Crime Prevention through Environmental Design (CPTED)

7. Design development to consider the principles of CPTED, having particular regard for theft in the underground parking, residential break and enter, mail theft, mischief in alcoves, and vandalism, such as graffiti.

Landscape Design

8. Detailed architectural and landscape cross sections (minimum 1/4" inch scale) through common open spaces, semi-private patio areas and the public realm are required.

Note to Applicant: the sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms. Explore the retention of the single cedar hedge located near the northwest corner and the viburnum identified in the arborist report.

9. Coordination for the provision of any new street trees, or any proposed City owned tree removals adjacent to the development site, is required, where applicable.

Note to Applicant: Any new street trees are to be shown and confirmed on the development permit plans. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and the 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 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

10. An outdoor Lighting Plan is required at the development permit stage.
11. A high efficiency irrigation system for all planted areas and hose bibs for all patios and common areas greater than 9.3m² (100 sq. ft.) are required.

Note to Applicant: Illustrate on landscape plans irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify that the irrigation is to be designed and constructed.

Sustainability

12. The project is to meet the requirements of the *Green Buildings Policy for Rezoning*s (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 submission requirements at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezoning*s – *Process and Requirements* (amended April 28, 2017 or later).

Zero Waste

13. In order to minimize waste, a salvage strip-out must be done to remove fixtures, systems, and elements such as doors, deck, and fencing, for reuse. Any buildings which are not already subject to the Green Demo By-law must achieve a 75% recycling rate for demolition. Buildings subject to the Green Demo By-law must meet the by-law requirements in place at the time of the demolition permit application.

Engineering

14. The following changes to the drawings are required:
 - (a) Delete metal planters, tables, benches and chairs shown on City property (such features require separate applications which are subject to the approval of the Manager of Engineering Services).
 - (b) Provide generous and continuous weather protection on East Hastings Street frontage.
 - (c) Bench seating proposed on the SRW is to conform to the City's design standards and will be subject to an agreement to secure long-term maintenance.

Note to Applicant: Additional information regarding the business use of streets are available online (<http://vancouver.ca/streets-transportation/street-and-sidewalk-use-for-business-and-activities.aspx>). Enquiries regarding patios are to be directed to the Street Activities Branch. All public realm space within the street right of way, including public

squares, plazas, and dedicated pedestrian areas, are to be designed in consultation with Engineering Services staff to the satisfaction of the General Manager of Engineering Services.

15. The following changes are required with respect to the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services:
 - (a) The parking ramp is to provide a transition ramp at the bottom of the 14% slope (slopes of up to 15% may be acceptable if a ramp at the bottom, with a slope of between 7.5% - 10% and a length of at least 4 meters, is provided).
 - (b) The overhead parking (O/H) gate on parking level 1 (P1) requires a minimum width of 6.1m (20 ft.). Stall 1 on P1 requires additional width as the stall is adjacent to the O/H parking gate, a wall, and two columns. Consider relocating the O/H gate and column 1.5' to the west to achieve this.
 - (c) Provide an alcove for bike rooms with access directly from the maneuvering aisle (the bike room west of the elevator and at the NE corner of the site require an alcove).
 - (d) Provide 'stair free' loading access from the Class B loading spaces to all commercial units (CRUs) and the residential elevator core. Note to Applicant: Provide design elevations within the loading corridors, as CRU3 and CRU4 are at different elevations.
 - (e) Relocate Class B bicycle spaces to be outside of the SRW along E Hastings Street and ensure plans are consistent with regard to the locations of Class B bicycle spaces.
16. the following information is required at the development permit stage to facilitate a complete transportation and parking/ loading review:
 - (a) Indicate dimensions of column encroachments into parking stalls and provide drawing sections showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates, taking into account clearances of mechanical projections and built obstructions.
 - (b) Provide areas of minimum vertical clearances, and label them on parking levels with design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances.
 - (c) Indicate the slope and length of the ramped sections at all breakpoints.
 - (d) Show the stair-free access route from the Class A bicycle spaces to reach the outside (stair ramps are not generally acceptable).
17. Adequate water service to meet the fire flow demands of the project is required. Based on an estimate of the development's water demands, the water system should be adequate to service the development. No upgrades are currently noted. The applicant is to supply project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, *Water Supply for Public Fire Protection*, sprinkler

demand based on NFPA 13/14, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required. Should review of the confirmed project details deem upgrades are 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 which may be required. Note: the comments above are based on the original concrete structure proposed. A wood-frame building may result in changes to the above comments.

18. A detailed response toward the Citywide Integrated Rainwater Management Plan (IRMP) requirements, outlined in the “*Green Buildings Policy for Rezoning*”, is required, noting the following.
- a. Provide a Rainwater Management Plan (RMP) which details how the rainwater management system meets the IRMP requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer) and signed/sealed by same, subject to review. The applicant should take into account the following:
 - i. Runoff from the first 24 mm of rainfall from all areas, including rooftops, paved areas, and landscape must be retained and treated on site (landscapes over native subsoils with appropriately sized topsoil meets the 24 mm retention requirement);
 - ii. Staff will not accept the principle that distinct site areas which have large infiltration and/or storage capacity in some way compensate for those areas of the site which are impervious, without the runoff from the impervious areas being directed towards these absorbent areas, and this being clearly demonstrated:
 - 1. Where areas of growing medium do not have runoff directed on to them (from above) from adjacent impervious surfaces, they shall be assumed to be receiving/treating/storing only the rainfall which falls directly on to them.
 - 2. Planters designed as flow-through planters may be used to meet the treatment volume requirement.
 - 3. The IRMP targets are to be achieved on site i.e. without using street right of ways or the lane.
 - iii. The applicant must prioritize methods of retention according to the three tiers below. Justification must be provided for using a lower tier retention option. The tiers are as follows:
 - 1. **1st tier priority green infrastructure practices** – Rainwater Harvesting for Reuse, Green Roofs, and Infiltration.
 - 2. **2nd tier priority green infrastructure practices** - Retention within non-infiltrating landscapes, including absorbent landscape on slab, closed bottom planter boxes, and lined bio-retention systems.
 - 3. **3rd tier priority green infrastructure practices** – Detention storage with treatment and slow release.

- iv. Surfaces designed for motor vehicle use and other high pollutant generating surfaces require an additional 24 mm of treatment beyond the first 24 mm retained (for a total of 48 mm treated).
- v. Water quality volume (24 mm for low pollutant generating surfaces like roofs and 48 mm for high pollutant generating surfaces like driveways) which leaves the site must be treated to a standard of 80% TSS removal by mass by using either individual BMPs that meet the standard or treatment trains of BMPs that, when combined, meet the standard. For proprietary treatment devices:
 - 1. Provide product information for all treatment practices.
 - 2. Products need to be certified by TAPE - The Technology Assessment Protocol – Ecology Program, Washington State Department of Ecology's process for evaluating and approving emerging rainwater treatment BMPs. The applicant may propose other technologies but must provide supporting information which shows that the technology meets the standard.
- b. Submission requirements at the development permit application stage are to be provided as follows:
 - i. A pre-development site plan showing orthophotos and existing drainage areas and appurtenances is required.
 - ii. A proposed site plan which delineates drainage areas, including the area measurements for pervious/impervious areas, and identifies appropriately sized green infrastructure practices for each of those areas, is required.
 - iii. A geotechnical study which evaluates the potential and risks for onsite rainwater infiltration is to be submitted which includes the following:
 - 1. infiltration testing at likely locations for infiltration practices and a proposed design infiltration rate;
 - 2. soil stratigraphy;
 - 3. depth to bedrock and seasonally high groundwater; and
 - 4. infiltration risks such as slope stability and soil contamination.
 - iv. A hydrologic and hydraulic analysis prepared by a qualified professional in the area of rainwater management showing how the site will meet the requirements of the Policy is to be submitted. If lower tier green infrastructure options are chosen, then justifications must be included in the RMP report. Include supplementary documentation for any proprietary products which clearly demonstrates how they contribute to the targets. The plan and report must demonstrate that access has been provided for maintaining the rainwater management system, such as providing truck access for pumping out sediment traps.
 - v. A maintenance and operation guide for the rainwater management system is to be provided for the eventual owner or party responsible for maintenance.

- c. The building/public realm design should show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.
 - d. Legal arrangements may be required to ensure on-going operations of certain rainwater storage, rainwater management, and green infrastructure systems.
19. All utility services are to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plants, which include, but are not limited to, System Vistas, Vista switchgears, pad mounted transformers, LPTs and kiosks (including non-BC Hydro kiosks) which are to be located on private property with no reliance on public property for placement. In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the SRW. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. Ensure that consultation with B.C. Hydro includes an area within the development footprint to accommodate the appropriate electrical plant. The allocation of this space is to be confirmed including the agreement between both parties. Any gas service is to connect directly to the building without any portion of the service connection above grade within the road right of way.
20. The application is to comply with the Parking By-law. A Transportation Demand Management (TDM) plan is required for any off-street parking reductions sought. For additional information, please see the following:
 - Parking Bylaw: <https://vancouver.ca/your-government/parking-bylaw.aspx>
 - TDM Policy: <https://vancouver.ca/files/cov/transportation-demand-managementfor-developments-in-vancouver.pdf>
 - TDM Worksheets: <https://vancouver.ca/files/cov/transportation-demandmanagement-schedule-a.pdf>
 - TDM Measure Fact Sheets: <https://vancouver.ca/files/cov/transportationdemand-management-schedule-b.pdf>

PART 2: CONDITIONS OF BY-LAW ENACTMENT

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, Development 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 Services

1. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the consolidation of Lots 30, 31, and 32, all of Lots 52, Town of Hastings Suburban Lands, Plan 410, to create a single parcel.

2. Arrangements are to be made, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, for 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 metres (18 ft.) from the back of the existing City curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings and benches at-grade but the SRW agreement will accommodate underground parking Levels P1 and P2 and portions of building levels 3 to 5 within the SRW area.
3. Arrangements are to be made for a Loading Agreement to the satisfaction of the General Manager of Engineering Services for the Class B loading space(s) between the commercial and residential uses (note: the space(s) are to be labelled 'Residential and Commercial Loading').
4. Arrangements are to be made to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the two sets of steps from the Swanson Residence Facade which will encroach onto Penticton Street and are to remain as part of the heritage façade retention. An application to the City Surveyor and a letter of commitment, to enter into a City standard encroachment agreement, are required. For general information, see the Encroachment Guide at the following link: (http://vancouver.ca/files/cov/building_encroachment_guide.pdf).
5. Arrangements are to be made for 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, including, but not limited to the following:
 - (a) Adequate water service to meet the fire flow demands of the project is required. The applicant is to 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, 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 which may be required.
 - (b) Adequate sewer (storm and sanitary) service to meet the demands of the project is to be provided, including the following:
 - i. The sanitary main is to be upgraded from 250 mm to 450 mm on E Hastings Street between Lakewood Drive and Semlin Drive for a distance of 136m. The lengths and diameters of these improvements are approximate and subject to detailed design by the developer's engineering consultant.
 - ii. The post-development 10 year flow rate discharged to the storm sewer shall be no greater than the 10 year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curves, whereas the post-development estimate shall utilize the 2100 IDF curves to account for climate change.

- iii. The developer's engineer is to submit design briefs, calculations and/or modelling, and design drawings to the City. Submittals are to be reviewed and accepted by the General Manager of Engineering Services.
 - iv. The development is to be serviced to the existing 250 mm sanitary sewer and 375 mm storm sewer in E Hastings Street.
-
- (c) New or replacement duct banks adjacent the development site which meet current City standards are required. 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 which includes photographic and measured evidence of the installed number of conduits, their final locations, and depths.
 - (d) Lane lighting on standalone poles with underground ducts is required
 - (e) A new service panel/cabinet/kiosk for Penticton/E. Hastings Streets is required including the removal of the existing service panel attached to the BC Hydro pole.
 - (f) Exposed aggregate finish is required on the front boulevard matching the adjacent site, and a light broom finish saw cut concrete sidewalk to the edge of the SRW area on E Hastings St frontage is required.
 - (g) Removal of coloured concrete and feature paving from the SRW area on E Hastings St and relocation of bicycle parking to private property are required (refer to Landscape Plan L-1.1).
 - (h) Provide a 2.44 m (8'-0") sod grass boulevard, with trees, and a 1.83 m (6'-0") light broom finish saw cut concrete sidewalk on the Penticton Street frontage.
 - (i) Removal of the curb letdown on Penticton Street and a new curb and gutter are required.
 - (j) A standard concrete lane crossing, including new curb returns and curb ramps on both sides of the lane entry, as per City standard, is required.
 - (k) Provide 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.
 - (l) Provide signal modifications at E Hastings & Penticton St, including LED lighting (Note to Applicant: the cost estimate is \$10,000).
 - (m) Generous and continuous weather protection on the East Hastings St frontage is required.

Note to Applicant: The Services Agreement may require provision of funding to the City for the services or a component thereof.

Housing

7. Make arrangements to the satisfaction of the General Manager of Planning, Development and Sustainability and the Director of Legal Services to enter into a Housing Agreement and/ or 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 conditions and requirements:
- (a) A no separate-sales covenant is required.
 - (b) A no stratification covenant is required.
 - (c) None of the units are to be rented for less than one month at a time.
 - (d) A rent roll is to be provided indicating the agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and prior to development permit issuance and DCL calculations during the building permit application review process.
 - (e) 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:

Unit Type	2601 – 2619 E Hastings St
Studio	\$1,360
1-bedroom	\$1,730
2-bedroom	\$2,308
3-bedroom	\$3,030

- (f) A final rent roll is to be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Development and Sustainability and the Director of Legal Services, which 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.
- (g) The applicant must:
 - (1) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Arts, Culture and Community Services as per the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.
 - (2) Provide a notarized declaration that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and, includes copies of a letter addressed to each

tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

- (3) Provide an Interim Tenant Relocation Report prior to issuance of the Demolition Permit. The Report must outline the names of any tenants who have ended their tenancy; the reason for its end (e.g. Tenant Decision or Mutual Agreement to End Tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.

Note to applicant: if a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.

- (4) Provide a final Tenant Relocation Report prior to issuance of the Occupancy Permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and, include a summary of all communication provided to the tenants.

- (h) Such other terms and conditions as the General Manager of Planning, Development and Sustainability and the Director of Legal Services may in their sole discretion require.

Note to Applicant: A Housing Agreement is to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter. The Housing Agreement by-law is to be enacted and the Housing Agreement registered on title to the lands for the project prior to CD-1 By-law enactment (see Agreements in this Section).

Restoration / Maintenance Covenant

- 8. Arrangements to be made to the satisfaction the Director of Legal Services and the General Manager of Planning, Development and Sustainability for a 219 Covenant which secures the restoration and long-term maintenance of the Swanson Residence Façade, as described in this report.

Sustainability

- 9. As the building contains 20 units or more, the applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting

and submitting energy use data to the City.

Environmental Contamination

10. As applicable:

- (a) Submit a site profile to Environmental Services (Environmental Protection);
- (b) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into agreements deemed necessary to fulfill requirements of Section 571(B) of the Vancouver Charter; and
- (c) 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 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, are provided to the City.

Where the Director of Legal Services deems appropriate, the agreements noted in this Appendix 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 associated by-laws.

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

* * * * *

2601-2619 E. Hastings Street
DRAFT CONSEQUENTIAL AMENDMENTS

Note: By-laws will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 11879

Amend Schedule A (CD-1 Zoning Districts Regulated by Part 9) by adding the following:

"2601-2619 E. Hastings St. [CD-1 #] [By-law #] C-2C"

DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW No. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

"[CD-1#] [By-law #] 2601-2619 E. Hastings St"

* * * * *

2601-2619 E Hastings Street
ADDITIONAL INFORMATION

1. Urban Design Panel Minutes

On April 18, 2018, the Urban Design Panel reviewed the project and resolved the following:

THAT the Panel supports the project with the following recommendations to be reviewed by City staff:

- Further design development for the massing above the heritage component to decrease crowding of heritage façade.
- Further design development of the Hastings façade.
- Further design development of the proposed pocket park.

The above noted comments have been taken into consideration in the design development of the project and in the design and form of development conditions listed in Appendix B (the “pocket park” noted above is a reference to an area on the Penticton Street boulevard and would be subject to review by Engineering staff). The full minutes of the Panel’s meeting are available the following link:

<https://vancouver.ca/files/cov/udp-20180418-minutes.pdf>

2. Heritage Commission

On March 12, 2018, The Vancouver Heritage Commission reviewed the project and resolved the following:

THAT the Vancouver Heritage Commission does not support the redevelopment at 2601 East Hastings Street, including the Mission Revival style buildings known as the Swanson Store and Residence, as presented.

THAT the Vancouver Heritage Commission recognizes that the application is made under Rental 100, which explains the added density, rather than heritage retention, which is not earned by this design.

THAT the replacement of the windows in the center of the historic residential façade with a window and doorway diminishes the value of the heritage resource to an unacceptable level;

FURTHER THAT the residential façade has to be made more prominent, either by reducing the volume of the floors above or by moving the historic façade further forward. Furthermore, there is not an adequate return of the laneway façade to make the building read as a heritage structure. The Commission especially notes the leaded-glass windows and the need to retain the one facing onto the lane as part of the historic façade retention or replication; and

FURTHER THAT the Vancouver Heritage Commission would like further design consideration leading to the retention of the Mission Revival-style storefronts along Hastings St. Vancouver Heritage Commission Minutes, March 12, 2018 3

THEREFORE BE IT RESOLVED that the Vancouver Heritage Commission urges the applicant to further develop the design to incorporate the above concerns and to return with it to a future Vancouver Heritage Commission meeting.

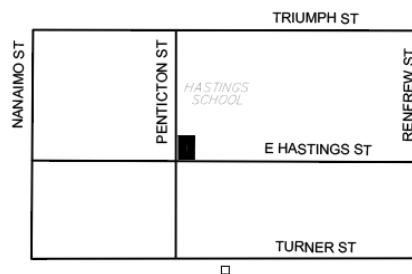
CARRIED UNANIMOUSLY

The comments of the Commission have been considered in the development of conditions of the rezoning, as listed in Appendix B, which relate to the retention of the Swanson Residence Façade.

3. Public Consultation Summary

Public Notification

A rezoning information sign was installed on the site on March 22, 2018. A community open house was held on April 10, 2018. Approximately 1,350 notifications were distributed within the neighbouring area on or about March 21, 2018. Notification and application information, as well as an online comment form, were provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).



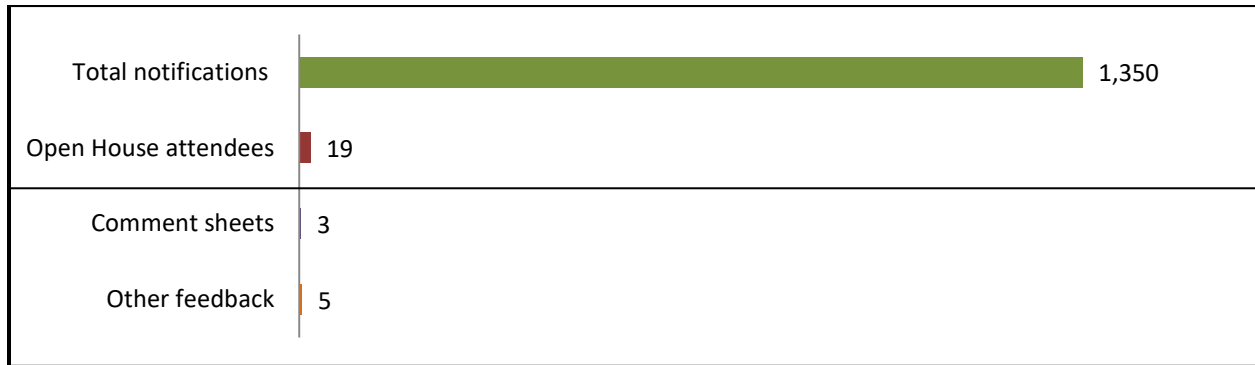
NOTIFICATION AREA

April 10, 2018 Community Open House - A community open house was held from 5 – 7 pm on April 10, 2018, at Hastings Community Centre, 3096 East Hastings Street. Staff, the applicant team, and 19 people, attended the open house.

Public Response - Public responses to this proposal have been submitted to the City as follows (see Figure A):

- 3 comment sheets in response to the April 10, 2018 open house.
- 5 letters, e-mails, online comment forms, and other feedback.

Figure A: Public Notification and Responses



Note:

Each comment form or online response can include a number of comments which may reference points in support, potential concerns and questions or neutral/general statements. Therefore, staff focus on qualitative theming of comments and overall percentages are not provided.

Some duplication of responses may result where respondents chose to provide feedback to a rezoning application more than once using a number of mediums (open house comment sheet, online feedback, form letter, petition, etc.).

Generally, comments of support fell in the following areas:

- **Housing affordability:** The proposed development will provide more affordable housing options in the area.
- **Building density:** The development is supportable in creating more needed density in the neighbourhood, especially if additional family units are included.
- **Streetscape enhancement:** the development would enhance the area with more “eyes on the street”, as well as wider sidewalks, traffic safety measures, and additional trees.

Generally, comments of concern fell into the following areas:

- **Building height:** The proposed building height will negatively affect surrounding properties and the connection to the street and community.

The following miscellaneous comments were received from the public (note: these were topics which were each expressed by a single respondent).

General comments of support:

- **Building design:** The building design is supportable.
- **Building location:** The building’s location is appropriate.

General comments of concern:

- **Building design:** The design of the building is not aligned with the context of Vancouver and the local Indigenous history.
- **Setting precedence:** The development will set precedence for future developments of a similar nature in the area.
- **Community amenities:** the proposal is not geared for families as there is no child care centre proposed as part of the development.
- **Traffic:** The development will increase traffic impacts in the area.
- **Community needs:** The project serves the developer, not the community and its needs.

Neutral comments/suggestions/recommendations:

- **Parking:** the number of parking stalls proposed seems excessive given the location's proximity to public transit and car share vehicles.
- **Process:** The processing times of permits need to be decreased to address the needs of immigrants and young families seeking housing.
- **Passive house:** More projects should conform to the “passive housing” requirements to ensure energy use reductions.

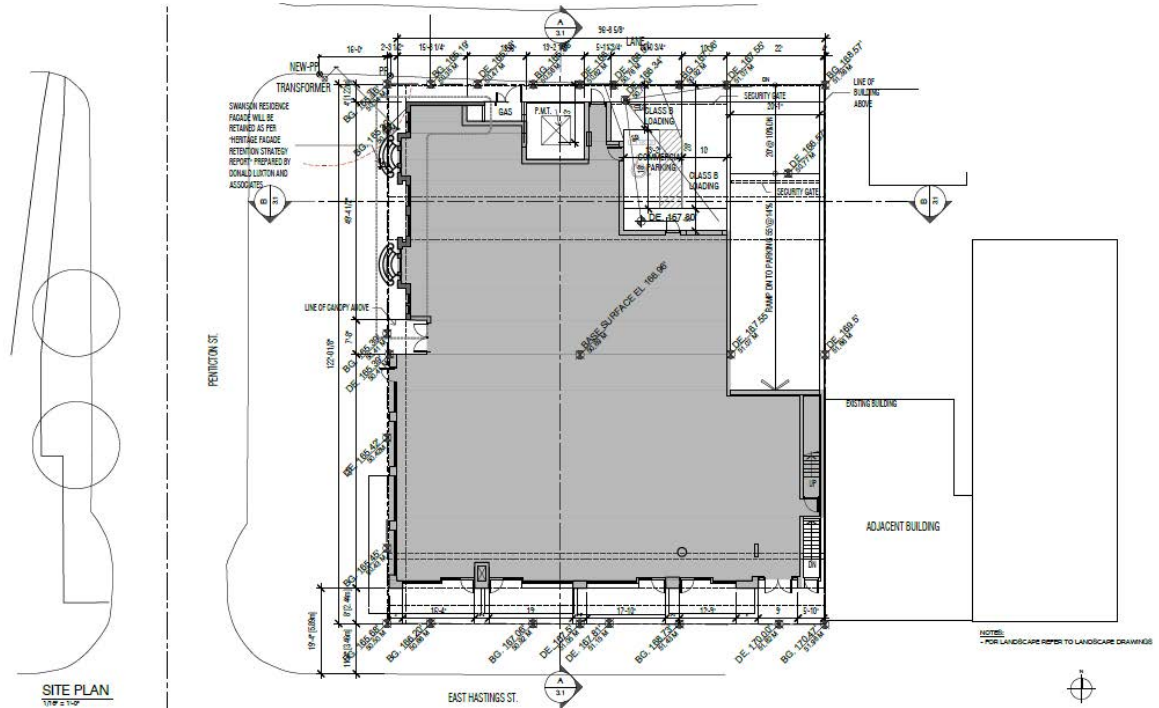
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2601-2619 E Hastings Street
FORM OF DEVELOPMENT

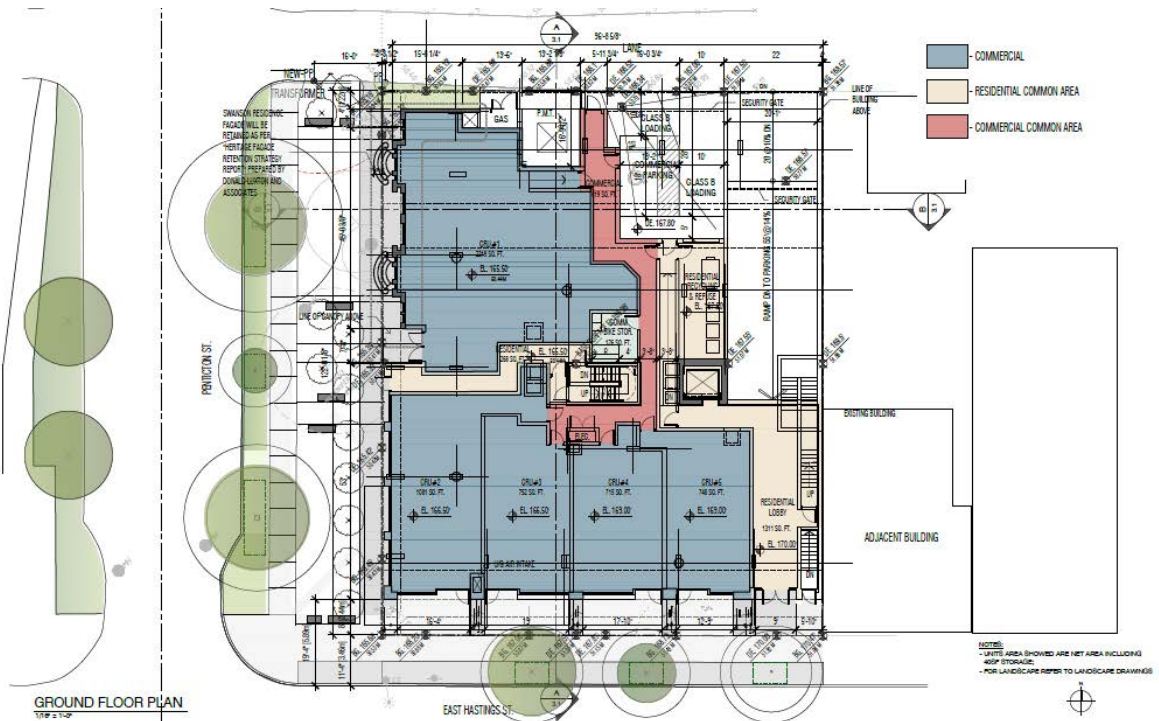


Context Diagrams

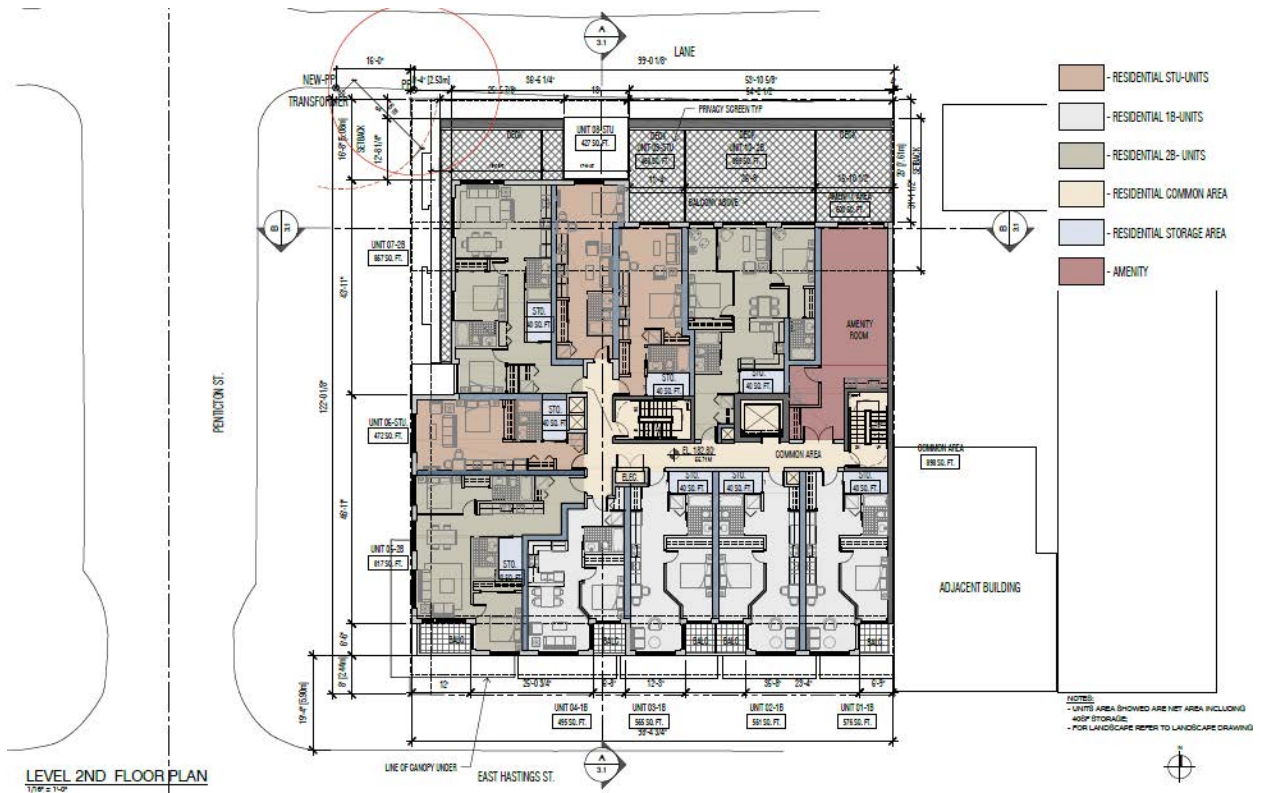




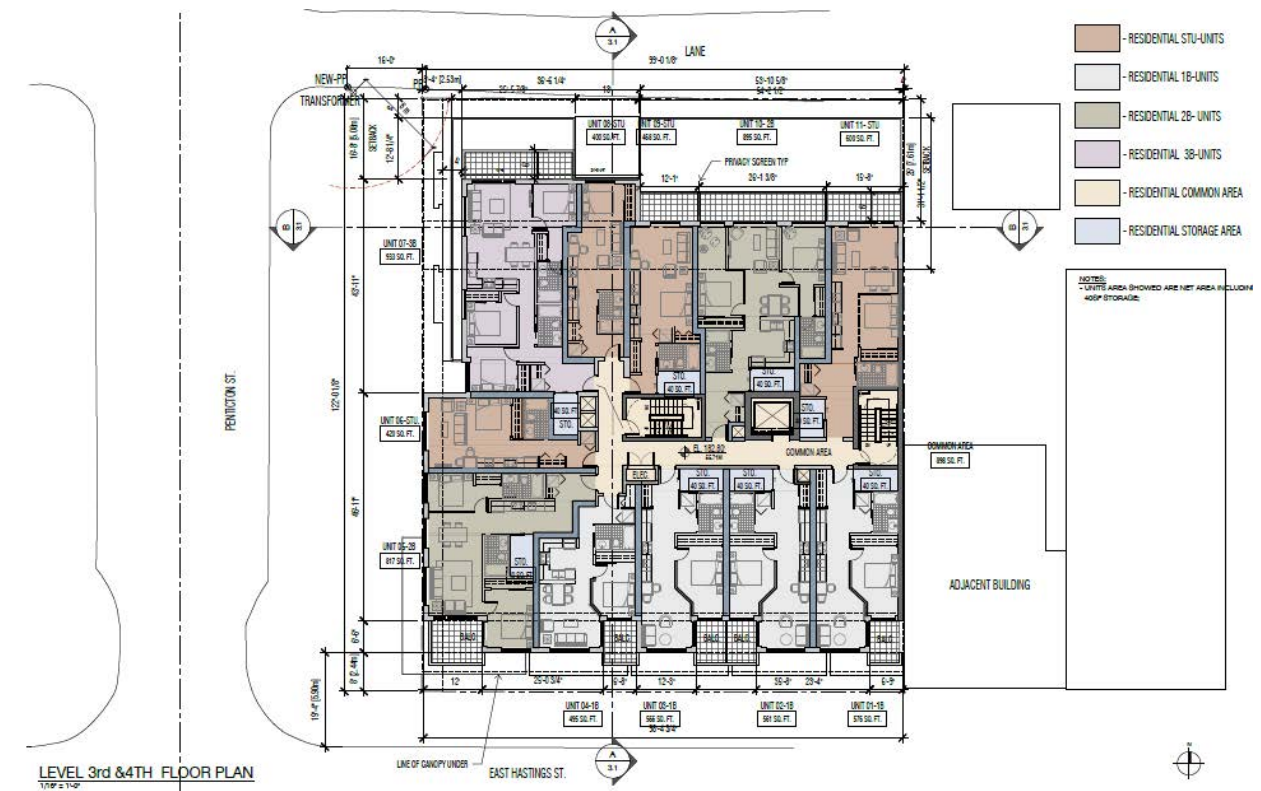
Site Plan



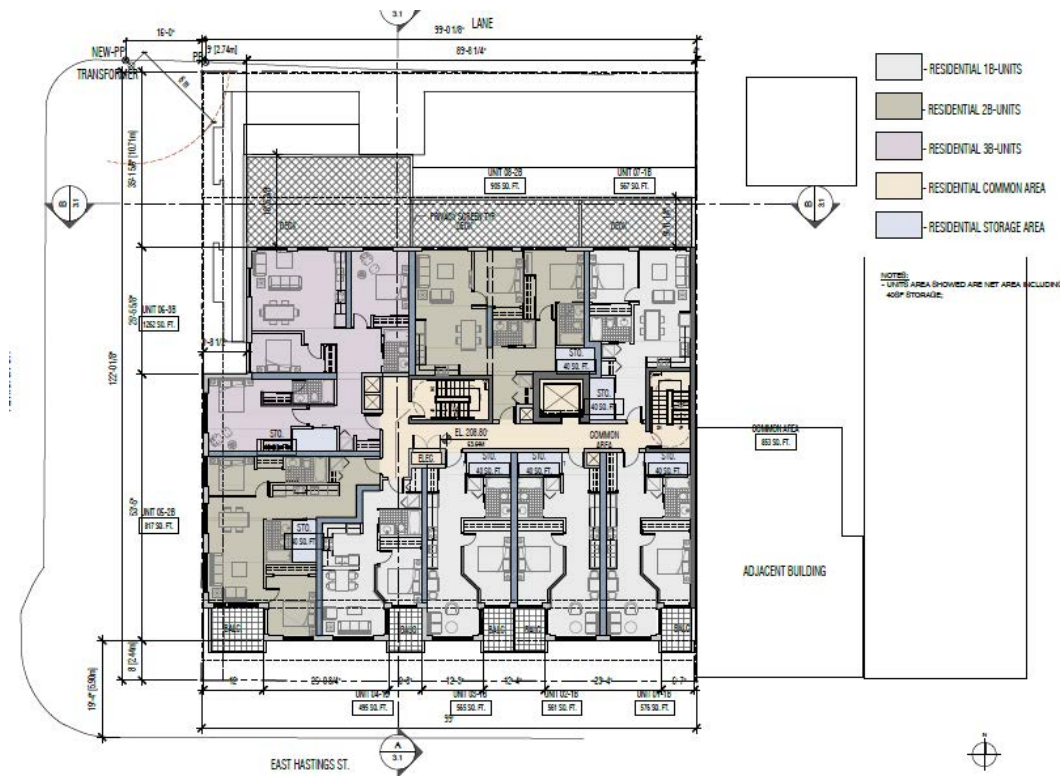
Ground Floor Plan



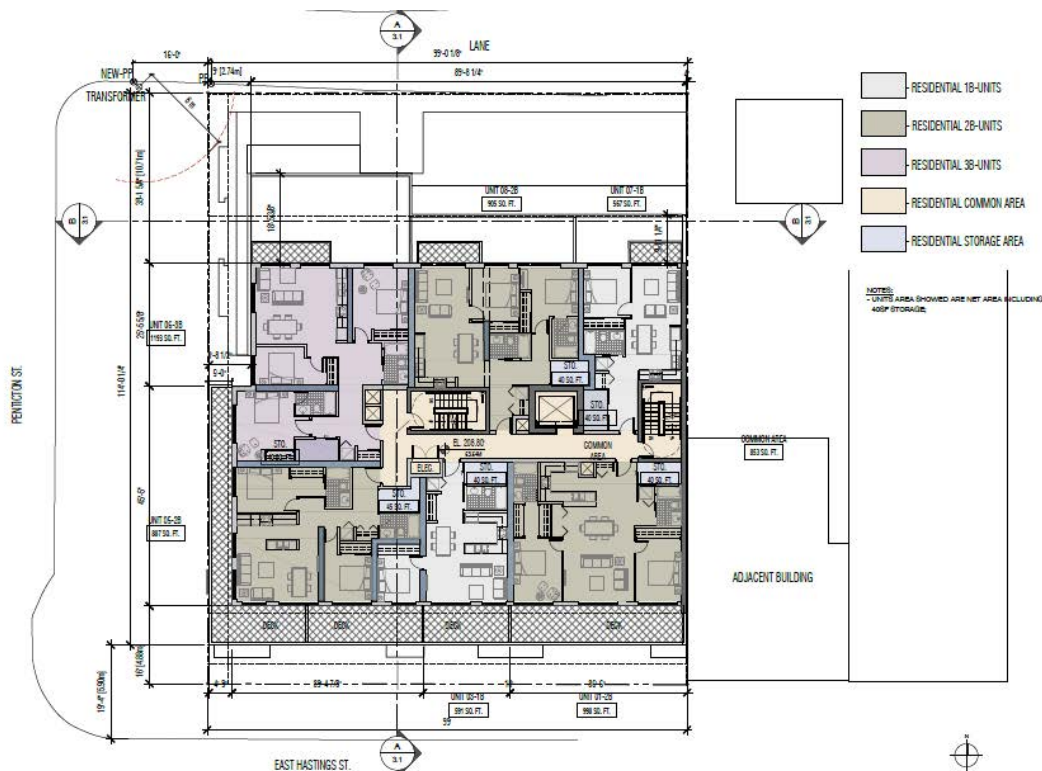
Second Floor Plan



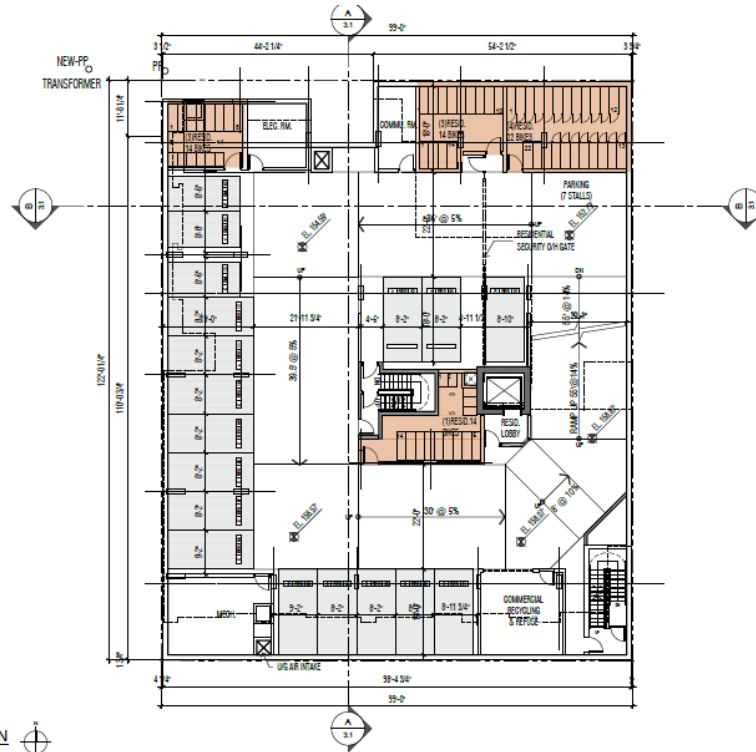
Third and Fourth Floor Plans



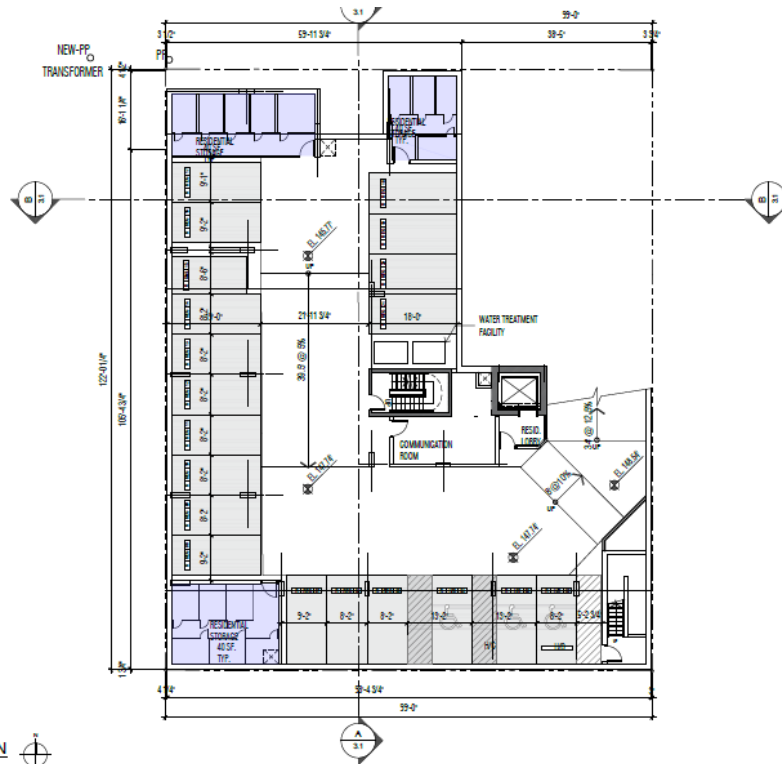
Fifth Floor Plan



Sixth Floor Plan



Parkade Plan – P1 Level



Parkade Plan – P2 Level



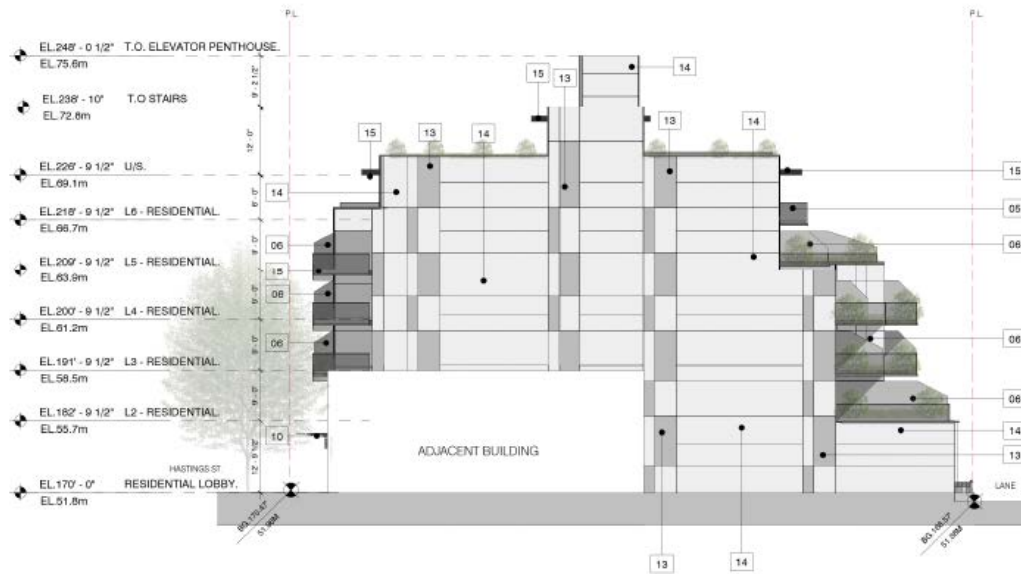
South Elevation. East Hastings.
SCALE: 1/16" = 1'-0"

South Elevation (E Hastings St)



North Elevation.
SCALE: 1/16" = 1'-0"

North Elevation



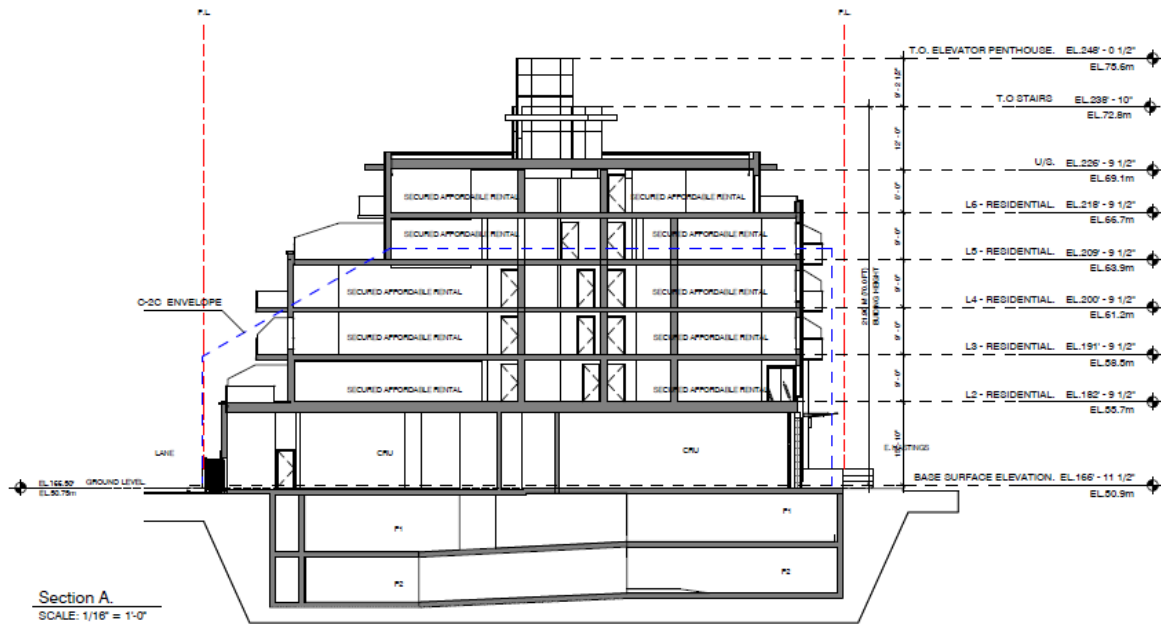
East Elevation.
SCALE: 1/16" = 1'-0"

East Elevation



West Elevation. Pentiction Street
SCALE: 1/16" = 1'-0"

West Elevation (Pentiction St)



Cross Section – Looking East

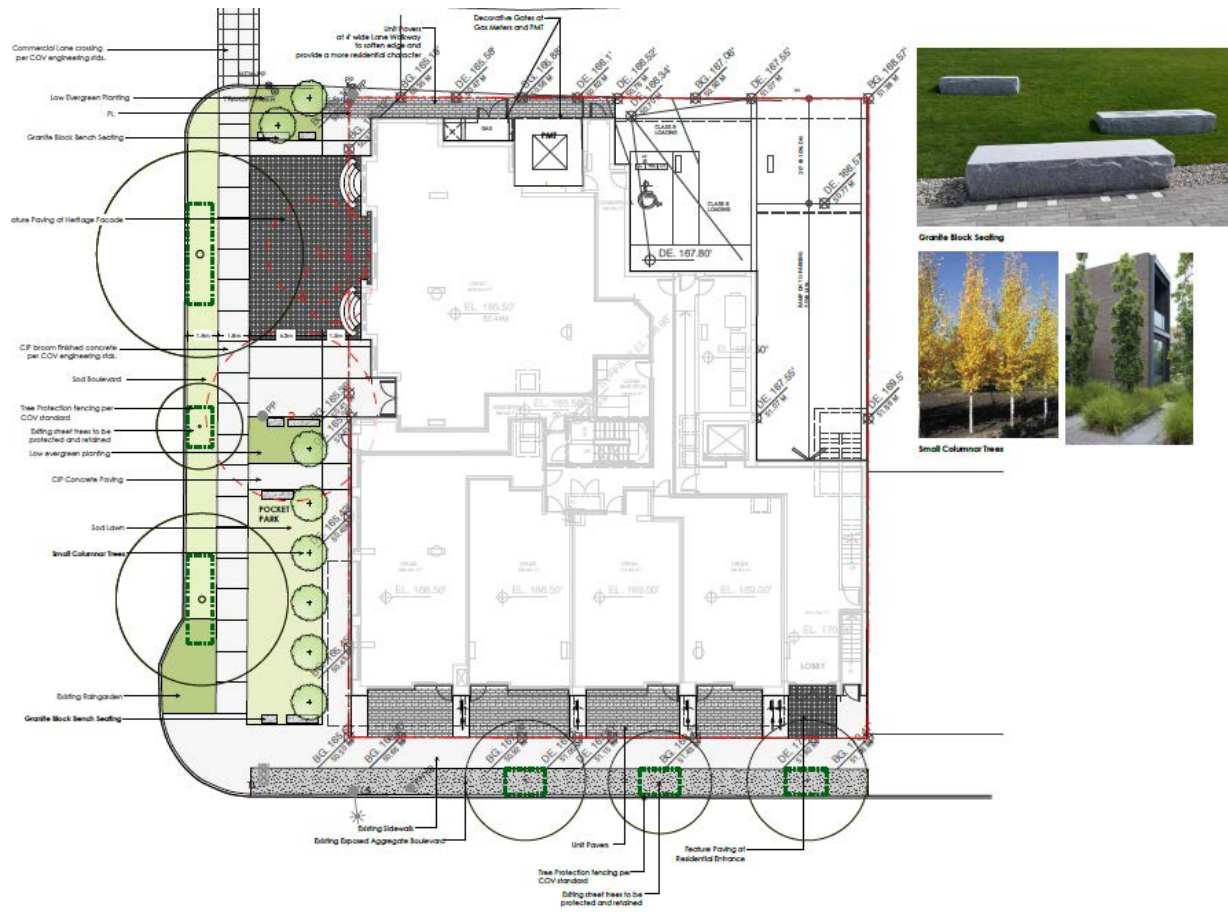


E. Hastings & Penticton intersection View

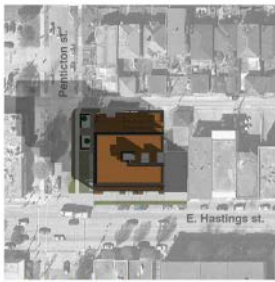


Penticton St. View

Renderings



Landscape Plan



MARCH 21 - 10 AM



MARCH 21 - 12 PM



MARCH 21 - 2 PM



JUNE 21 - 10 AM



JUNE 21 - 12 PM



JUNE 21 - 2 PM

SHADOW ANALYSIS

Shadow Analysis

* * * * *

2601-2619 E Hastings Street
DEVELOPMENT COST LEVY WAIVER ANALYSIS

To qualify for waiver of the Development Cost Levy (DCL) for the residential floor space, the application must meet the criteria set out in the relevant *DCL By-law* under section 3.1A. This application qualifies as outlined below:

- (a) All dwelling units proposed in the building will be secured as rental through the Housing Agreement called for in the Conditions of Approval (Appendix B).
- (b) None of the proposed dwelling units will be strata units
- (c) Average size and rents:

The average size of the proposed dwelling units will not be greater than specified in the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit size	Proposed average unit size
Studio	11	42 m ² (450 sq. ft.)	42 m ² (450 sq. ft.)
1-bedroom	19	56 m ² (600 sq. ft.)	51.3 m ² (553 sq. ft.)
2-bedroom	12	77 m ² (830 sq. ft.)	74.5 m ² (802 sq. ft.)
3-bedroom	4	97 m ² (1,044 sq. ft.)	97 m ² (1,044 sq. ft.)

The average initial rents for the proposed dwelling units do not exceed rents specified in the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit rent*	Proposed average unit rent*
Studio	11	\$1,607	\$1,360
1-bedroom	19	\$1,869	\$1,730
2-bedroom	12	\$2,457	\$2,308
3-bedroom	4	\$3,235	\$3,030

*Both the maximum and proposed rents are subject to annual adjustment as per the DCL By-law.

By way of the Housing Agreement, the tenure of the housing will be secured as rental for the longer of the life of the building and 60 years, and the initial rents at occupancy will be secured to meet the averages set out under (d) above.

* * * * *

**2601-2619 E Hastings Street
PUBLIC BENEFITS SUMMARY**

Project Summary:

Six-storey mixed-use building with commercial uses and 46 secured rental residential dwelling units.

Public Benefit Summary:

The proposal would provide 46 dwelling units secured as Secured Market Rental Housing for the longer of 60 years or the life of the building.

	Current Zoning	Proposed Zoning
Zoning District	C-2C	CD-1
FSR (site area = 1,122 m ² (12,080 sq. ft.))	3.0	3.74
Buildable Floor Space (sq. ft.)	36,240 sq. ft.	45,192 sq. ft.
Land Use	Residential Commercial	Residential Commercial

Summary of development contributions expected under proposed zoning

City-wide DCL ^{1,2}	\$94,283
City-wide Utilities DCL ¹	\$32,575
TOTAL	\$126,858

Other benefits (non-quantified): 46 units of market rental housing units secured for the longer of 60 years or the life of the building.

¹ Based on rates in effect as at September 30, 2019; rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection, see the City's [DCL Bulletin](#) for details.

² City-Wide DCL revenues are allocated as follows: Replacement Housing (36%); Transportation (25%); Parks (18%); Childcare (13%); and Utilities (8%).

* * * * *

2601-2619 E Hastings Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	2601-2619 East Hastings Street
Legal Description	Lots 30, 31, and 32, all of District Lot 52, Town of Hastings Suburban Lands, Plan 410 PIDs: 015-296-211; 015-296-237; 015-296-253
Applicant/Developer	JTA Development Consultants
Architect	Studio One Architecture Inc.
Property Owner	Nicolaou Properties Ltd.

SITE STATISTICS

Site Area	1,122 m ² (12,080 sq. ft.)
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	C-2C	CD-1
Uses	Residential + Commercial	Residential + Commercial
Max. Density	3.0 FSR	3.74 FSR
Floor Area	3,366 m ² (36,218 sq. ft.)	4,200 m ² (45,192 sq. ft.)
Maximum Height	13.8 m (45.3 ft..)	21.9 m (71.9 ft.)
Residential Unit Mix		Studio: 11 units 1-bedroom: 19 units 2-bedroom: 12 units 3-bedroom: 4 units Total: 46 units
Parking, Loading and Bicycle Spaces	Minimum 36 off-street parking spaces in total	70 bicycle spaces 43 off-street parking spaces (seeking residential parking reduction from 29 to 23 under the TDM provisions)
Natural Assets	0 on-site trees 9 City trees	0 on site trees 6 existing City trees plus additional City trees where possible

2601-2016 E Hastings Street
SUMMARY OF TENANT RELOCATION PLAN TERMS

Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer
Financial Compensation	<ul style="list-style-type: none"> • Compensation in the form of free rent, a lump sum payment, or a combination of both, will be available for each unit eligible for Tenant Relocation Plan according to the following schedule: <ul style="list-style-type: none"> ○ 4 months' rent for tenancies up to 5 years; ○ 5 months' rent for tenancies over 5 years and up to 10 years; ○ 6 months' rent for tenancies over 10 years and up to 20 years; ○ 12 months' rent for tenancies over 20 years and up to 30 years; ○ 18 months' rent for tenancies over 30 years and up to 40 years; and ○ 24 months' rent for tenancies over 40 years
Notice to End Tenancies	<ul style="list-style-type: none"> • Landlord to provide regular project updates to tenants throughout the development approvals process. • A minimum of four months' notice to end tenancy after all permits are issued is required (e.g. all development, building, and demolition permits in place).
Moving Expenses (flat rate or arrangement of an insured moving company)	<ul style="list-style-type: none"> • A flat rate of \$750 for a bachelor and 1-bedroom unit and \$1,000 for a 2-or more bedroom unit will be provided at a minimum to all eligible tenants.
Assistance in Finding Alternate Accommodation (3 options)	<ul style="list-style-type: none"> • Applicant has distributed tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver that best meet the tenants' identified priorities.
Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing	<ul style="list-style-type: none"> • Through one-on-one meetings with tenants, the applicant has determined and assessed individual needs as defined in the TRP Policy. • For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.
First Right of Refusal (Where starting rents are anticipated to be higher than what the tenant currently pays, provide a 20% discount off starting rents for any returning tenants)	<ul style="list-style-type: none"> • The applicant has committed to offering all current tenants who are named on leases, regardless of their TRP eligibility, the right of first refusal at a 20% discount off starting rents in similar units in the new development once completed. Any subsequent rent increases for returning tenants will be in line with the Residential Tenancy Act.