

**4. REZONING: 2220 Kingsway**

**Summary:** To rezone 2220 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District. The proposal is for a mixed-use development comprised of a commercial podium and three 14-storey residential towers containing a total of 404 dwelling units. A floor space ratio (FSR) of 3.8 and a building height of 45.1 m (148 ft.) are proposed.

**Applicant:** Brock Cheadle, Henriquez Partners Architects

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

- A. THAT the application by Henriquez Partners Architects, on behalf of 2220 Kingsway Property Inc. (Westbank Projects Corp.), to rezone 2220 Kingsway [*PID: 009-603-352, Lot B, Block 7, District Lot 393, Plan 9643*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.5 to 3.8 to permit the development of a 14-storey mixed commercial-residential building with a maximum height of 45.1 m (148 ft.), generally as presented in Appendix A of the Policy Report dated February 26, 2013, entitled "CD-1 Rezoning: 2220 Kingsway", be approved subject to the following conditions:

**CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved in principle, generally as prepared by Henriquez Partners Architects and stamped "Received City Planning Department, June 8, 2012", subject to the following conditions, provided that the General Manager of Planning and Development Services may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the General Manager of Planning and Development Services, who shall have particular regard to the following:

**Design Development**

1. Design development to the southwest open space to achieve a safe, welcoming and useful place for the general public, by providing clear sight lines from adjacent residential and commercial uses and by providing a variety of activities and reasons for people to visit.

Note to Applicant: In order to insure the success of this space, a multitude of possible activities and reasons to visit should be provided for the general public, the patrons of the commercial retail components and the residents of the project. Providing approximately 10 reasons for people to visit, will assure the success of this place. The following features are provided by staff as suggested design elements that may be explored during the Development Permit process for this project.

- i. Significant reduction to the amount of open space that is covered by a water feature in order to maximize the amount of useable space for the public;
  - ii. Deletion of the proposed semi-opaque walls located on the south border in order to permit free and easy public access and to maximize sightlines from the public realm;
  - iii. Connections between the open space and the adjacent residential and commercial uses at grade level that would permit visual and/or physical porosity for the conveyance of people, goods, food, restaurant patio life, etc.
  - iv. Trees to provide shade for a portion of the open space during the summer months;
  - v. Landscaping features and/or equipment which are conducive to the play and interactions of children;
  - vi. Primary outdoor seating in the form of park benches located in a variety of areas such as sunny spots, shady spots, or spots where the best people-watching is offered.
  - vii. A drinking fountain and other simple cyclist-servicing elements located near the adjacent Gladstone bike lane (see Engineering conditions (c) 4. (h) and (i));
  - viii. Secondary seating that is incorporated with other functions such as sculptures, tree planters or other hard-landscaping elements;
  - ix. A point of interest which provides a space for public activity that is sheltered from the rain in the form of a small pavilion (this is currently shown in the applicant's proposal) and/or the proposed covered area (also shown);
2. Design development to visually differentiate the character of the three tower elements and to enrich the building facades with further building articulation.

Note to Applicant: Staff support this rezoning application with respect to the general parameters of use, height and density. It is, however, anticipated that during the subsequent Development Permit process, the applicant will further develop the design of the tower elements to achieve a separate and distinct character for each. This can be achieved by a multitude of possible strategies, including, but not limited to, distinct variations in cladding materials; balcony projections and insets; shading and screening devices; innovative construction techniques; or other decorative embellishments which contribute to a distinct building character through the rich interplay of light, shadow and colour.

3. Design development to the proposed service lane/pedestrian link located along the east property line to insure a comfortable and safe environment for pedestrians and the neighbouring residential properties.

Note to Applicant: As a means to encourage pedestrian use of this lane, the provision of amenable landscaping elements is required. Urban design elements to consider include pedestrian lighting; soft landscaping elements; public art; opaque enclosures to visually and aurally separate the commercial loading bays from the public realm and; traffic-calming for the vehicular portion of the lane.

## Crime Prevention Through Environmental Design (CPTED)

4. Design development to the southwest open space to discourage nefarious and undesirable activities.

Note to Applicant: The proposed pavilion should be deleted; or alternatively, may be redesigned to be an open structure landscape feature.

5. Explore opportunities to mitigate blank walls.

Note to Applicant: in consideration of CPTED principles, exposed walls should be textured to discourage graffiti. In addition, "vine pockets" can be located to establish plants on walls.

## Landscape Design

6. Design development to ensure perimeter trees are located at grade.

Note to Applicant: Ensure that design is stylistically interpretive, avoiding imitative elements. Continuous soil in tree pits should be sunken below grade and slab altered accordingly, where necessary. Special attention should be paid to the "inside row" of the double row of trees proposed along Kingsway. Structural soils and root barriers will be required.

7. Further coordination with City of Vancouver Planning and Engineering staff to ensure that the public-private realm is high quality, seamless across property lines and safe for pedestrians.

Note to Applicant: while special paving is encouraged on private property, choice of materials and way-finding techniques should respect principles of universal access.

8. Design development to angle down structural slabs at perimeter edges and in common areas to increase soil depths for trees and landscaping, where applicable.

9. Site utilities/vents located onto private property and integrated discreetly into the building, avoiding landscaped and common areas.

10. At time of development permit application, the following:

- (a) provision of a detailed Landscape Plan illustrating soft and hard landscape treatment;

Note to Applicant: The Landscape plan should include a planting plan listing common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Landscape Plan and keyed to the Plant List. Illustrate and clarify all outdoor surface/paving materials, site furniture, lighting, trash receptacles, hose bibs, signs, retaining wall treatment, anti-skateboard guards (where applicable), parking vents, at-grade utilities, and public realm (building edge to the curb, street trees, lamp posts, fire hydrants, sidewalk treatment).

- (b) provision of a Tree Plan, including dimensioned tree protection barriers;

Note to Applicant: refer to Protection of Trees Bylaw (sec. 4.0, 4.3). There are a number of trees proposed to be removed that are located on City property. Approval and coordination will be needed with the Park Board at the development permit stage.

- (c) provision of large-scale sections [typical] through the landscaped areas, including the townhouse interface, the slab-patio-planter relationship, the lane interface and common areas;

- (d) illustration of spot elevations to all outdoor areas (including top/bottom walls), including offsite context spot elevations in proximity (such as the public sidewalks, inner boulevards and lanes, for example).

- 11. New street trees to be provided adjacent to the development site, to be shown on the development permit plans and confirmed prior to the issuance of the building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan, "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".

- 12. Provision of an efficient irrigation system for all common outdoor planters and individual hose bibs to be provided for all patios of 100 sq. ft. or greater. Specification notes and irrigation symbols to should be added to the drawing.

- 13. Provision of planting on city property along the streetscape edge, where space permits.

Note to Applicant: Expand the planting plan to fill the inside boulevard. Substitute hardy, layered planting for lawn, wherever possible. Refer to City of Vancouver Guidelines for planting on City boulevards.

### Sustainability

- 14. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

Note to Applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations.

The checklist and description should be incorporated into the drawing set. Registration of the project is also required under the policy.

15. Provision of a Sustainable Rainwater Management Plan that utilizes sustainable strategies to allow for infiltration, retention, treatment and utilization of rainwater where applicable and appropriate on site.
16. Provision of a Solid Waste Diversion Strategy that addresses waste diversion in all solid waste generating activities within the complex.

Note to Applicant: The Strategy must identify/provide space, infrastructure and an operational approach to divert organics and recyclables from the waste stream, and minimize the vehicle trips required for collection, to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any agreements required by this Strategy on terms and conditions acceptable to the General Manager of Engineering Services and the Director of Legal Services.

### Engineering

17. Provision of the following improvements to the parkade design consistent with the parking and loading design supplement:
  - (a) Provision of direct access to the North Tower residential lobby residential lobby from the loading area;
  - (b) Provision of residential loading access for the West Tower, from the freight elevator north of the West Tower lobby;  
  
Note to Applicant: Consider aligning the loading corridor for the West Tower with the freight elevator to improve access.
  - (c) Relocate 2 Class B spaces adjacent to the North Tower, in the current location of the Class A loading space in the loading bay;
  - (d) Distribute the 3 Class A loading spaces on P1 in close proximity to each of the three residential elevator cores;
  - (e) Clarify the parking supply rates and proposed spaces identified in Table 4.3 of Bunt & Assoc. report and Table 3.1 of Westbank report appear to be different;
  - (f) Provision of a Construction Management Plan to the satisfaction of the GMES to address neighborhood concerns regarding construction vehicle parking on local streets during the construction phase and any mitigation measures to reduce construction impacts to local streets;
  - (g) The Transportation Assessment Plan says that there will be "a raised sidewalk on the east side of this new public lane". This appears to be inconsistent with the architectural drawings (pages 35, 36, 39, 41, etc. of the Rezoning Application Booklet) which show the sidewalk on the west side directly adjacent to the loading bays. Please update the plans to be consistent in this regard; and

- (h) The location of the foundation wall at the lane on page A2.04 (section DD) appears to be mis-plotted (doesn't agree with the plan views), please review and correct if required.
18. Update the site and landscape plans to reflect the provisions of the Norquay Public Realm and Transportation Improvement (PRTI) Plan as follows:
- (a) Show a curb bulge on the east side of Gladstone Street at Kingsway;
  - (b) Show the following minimum dimensions for sidewalk/boulevard areas along Kingsway:
    - i. 2.8 m sidewalk;
    - ii. 1.2 m exposed aggregate utility strip (measured from back of curb)
    - iii. plus 3.65 m (minimum) setback to accommodate additional sidewalk, trees and building strip;
  - (c) Show the following dimensions on the side streets:
    - iv. 2.8 m sidewalk;
    - v. 1.2 m grassed utility strip (from back of curb).
19. The median on Kingsway should be deleted. The PRTI Plan does not call for installation of a median along this section of Kingsway adjacent the site.
20. Provision of a Green Mobility and Clean Vehicles Strategy that includes the requisite infrastructure where appropriate to prioritize sustainable transportation modes including walking, cycling, public transit, and provisions for low carbon vehicles (e.g., electric vehicles), completed to the satisfaction of the General Manager of Engineering Services, and prior to Development Permit issuance the completion of any legal agreements required by this Strategy on terms and conditions acceptable to the City.

For sites greater than 2 acres, per the requirements of EcoCity Action A-2 concerning Green Mobility and Clean Vehicles, a transportation demand management plan shall be submitted to the satisfaction of the General Manager of Engineering Services which promotes sustainable modes of travel while reducing reliance on the private auto. These measures should be above and beyond current City requirements. Note the TDM plan should include the following measures:

Provision of a Loading Management Plan (LMP) to the satisfaction of the GMES detailing the frequency, routing, the size of trucks expected, and the hours of expected loading activity for both the commercial and residential loading spaces. Include a diagram showing both the commercial and residential loading access for the west tower from the loading bay. Loading access to or from the site should not utilize the east-west lane south of the 2200 block of Kingsway. As the width of the proposed Lane is to be 6m, semi-trailer deliveries should be accommodated during off-peak hours to reduce conflicts with vehicles accessing the underground parking. The LMP should include information

regarding shared loading access between the three residential towers and commercial uses.

### Neighbourhood Energy Utility

21. The mechanical design of the supermarket portion of the development shall include provisions for waste heat recovery from the supermarket refrigeration systems as a means of reducing energy consumption and greenhouse gas emissions associated with heating of the supermarket and/or development as a whole.
22. Detailed mechanical and HVAC design must be to the satisfaction of the General Manager of Engineering Services.

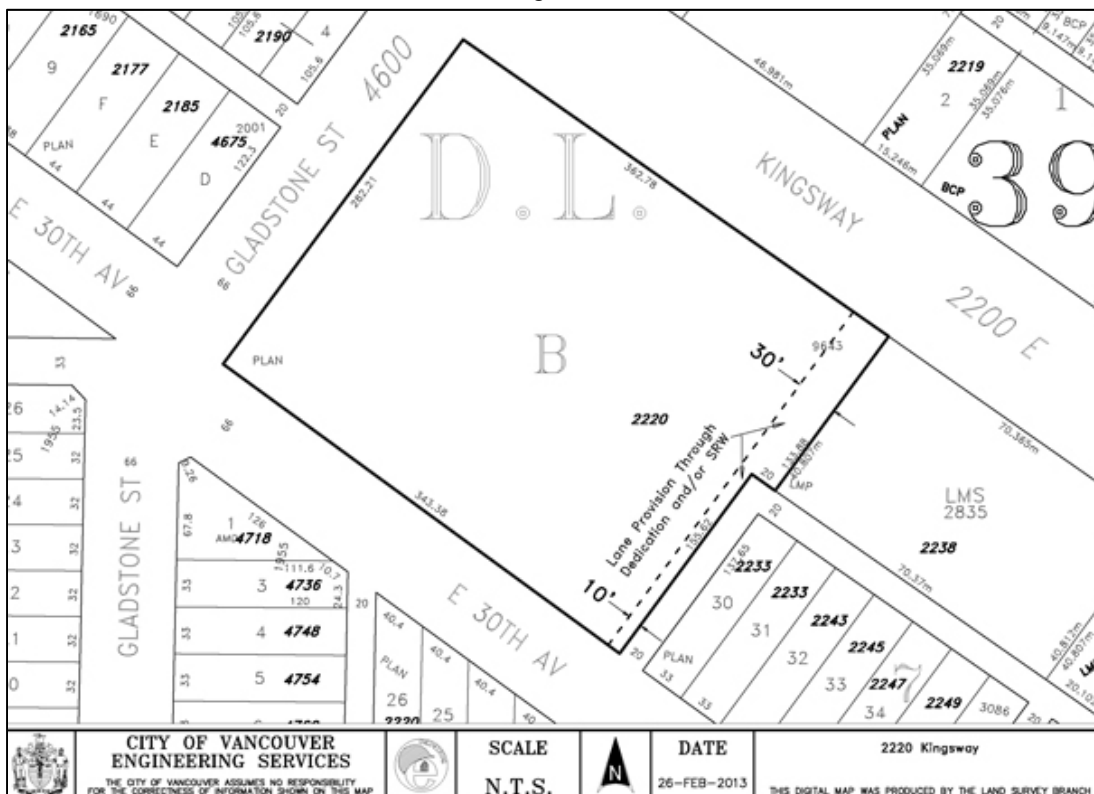
### CONDITIONS OF BY-LAW ENACTMENT

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

#### Engineering

1. Creation of a 30-foot wide lane along the eastern edge of the site for vehicular access and to provide a pedestrian corridor and connection from Kingsway to 30th Avenue through provision of dedications or through other means acceptable to the General Manager of Engineering Services and the Director of Legal Services. See Diagram 1, below.

Diagram 1



2. Provision of one or more statutory rights of way to achieve the following:
  - (a) public pedestrian access along the Kingsway portion of the site to achieve a sidewalk measuring a minimum of 24 feet in width from curb to building face. (SRW to be measured from the property line to the building face along the Kingsway frontage);
  - (b) public pedestrian access over the proposed plaza at the northwest corner of the site to the satisfaction of the General Manager of Planning and Development Services; and
  - (c) public pedestrian access over the proposed open space at the southwest corner of the site to the satisfaction of the General Manager of Planning and Development Services.

Note to Applicant: Construction, installation, maintenance and lighting will be the owner's responsibility.

3. Discharge of Easement and Indemnity Agreement 303395M (crossing agreement). A letter of undertaking is acceptable for rezoning with full discharge prior to building occupancy.
4. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. The agreement shall include, but not be limited to, the following provisions to the satisfaction of the General Manager of Engineering Services:
  - (a) Provision of up to \$200,000 for traffic calming to mitigate the impacts of vehicular traffic from the site within 5 years of final occupancy.
  - (b) Provision of corner bulges and traffic features, such as raised crosswalks or speed humps, where 30th Avenue intersects the lane adjacent to the east boundary of the site, in order to mitigate east-bound traffic from the proposed laneway.
  - (c) Provision of traffic-calming measures at the 30th Avenue/ 31st Avenue/Gladstone Street intersection to address any vehicle, bicycle, pedestrian conflicts while ensuring vehicular circulation to the parkade entry is maintained.

Note to Applicant: The calming feature proposed (traffic diverter) is to be reversed to allow for traffic to circulate around the site and provide access to the parkade.

- (d) Provision of a separated bicycle facility on Gladstone Street between Kingsway and 30th Avenue and integration with the bicycle facilities north of Kingsway on Gladstone Street and south of 30th Avenue on Gladstone Street.



- (e) Provision of a traffic signal and associated infrastructure at Kingsway and the proposed lane access point at the east property line of the site.
- (f) Provision of audible signals and countdown timers at the intersection of Gladstone Street and Kingsway.
- (g) Provision of signal modifications and upgrading for the signal at Kingsway and Gladstone Street to accommodate the proposed separated bicycle facility.
- (h) Provision of cycling amenities in the proposed open space at the corner of 30th Avenue and Gladstone Street. Amenities to include bicycle racks and an air pump.
- (i) Provision of a drinking fountain to complement the proposed cycling facilities adjacent the open space at 30th Avenue and Gladstone Street. (The fountain is to be located on public property and be connected to the City water system with a separate water service connection.)
- (j) Provision of lighting in the open space at 30th Avenue and Gladstone Street.
- (k) Provision of a minimum 20-foot wide pavement width for the proposed lane and a 1.8 m wide concrete sidewalk, curbing, concrete lane crossing, lane lighting and street trees on the east side of the proposed lane.

Note to Applicant: The proposed sidewalk and curbs must integrate with the adjacent properties fencing and points of access, consultation with the effected property owners may be required.

5. Provision of all utility services to be underground for this development. All electrical services to the site must be primary with all electrical plant, which includes but is not limited to, junction boxes, switchgear, kiosks, other utility kiosks and pad mounted transformers, are to be located on private property. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground. Please contact Utilities Services at 604.873.7373 for further information.
6. Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands as determined by the applicant's mechanical consultant to determine if water system upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the

upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

7. Provision, operation, and maintenance of one shared vehicle and the provision and maintenance of one parking space for use exclusively by such shared vehicle, with such parking space to be in addition to the minimum parking spaces required by the Parking By-law, and under the conditions outlined below:

- (a) the developer will be required to fund \$25,000 for the purchase of each required shared vehicle and fund \$11,500 for operating costs for each required shared vehicle;

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to Occupancy.

- (b) management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City;
- (c) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
- (d) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.

Note to Applicant: These dollar amounts are subject to inflationary increases and final amounts will be calculated prior to Occupancy.

8. Provision of a shared loading agreement to allow residential units use of the commercial loading bays to facilitate residential moving.

#### Soils

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

- (c) Enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Protection, City Engineer 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 a Certificate of Compliance(s) satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

### Public Art

- 10. Execute an agreement satisfactory to the Director of Legal Services and the Managing Director of Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager.

Note to Applicant: To discuss your public art application and fulfilment options please call Bryan Newson, Public Art Program Manager, at 604.871.6002.

### Community Amenity Contribution

- 11. The cash component of the Community Amenity Contribution of \$3,000,000 is to be paid to the City and such payment is to be made prior to enactment of the CD-1 by-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services to be allocated to future development of community amenities on the 2400 Kingsway site.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as are considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in the form and content satisfactory to, the Director of Legal Services.

- B. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Parking By-law, generally as set out in Appendix C of the Policy Report dated February 26, 2013, entitled "CD-1 Rezoning: 2220 Kingsway".
- C. THAT the application to amend Schedule E of the Sign By-law to establish regulations for this CD-1 in accordance with Schedule "B" to the Sign By-law [assigned Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated February 26, 2013, entitled "CD-1 Rezoning: 2220 Kingsway", be approved.

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated February 26, 2013, entitled "CD-1 Rezoning: 2220 Kingsway".
- E. THAT Recommendations A through D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 2220 Kingsway]