

SUMMARY AND RECOMMENDATION

5. REZONING: 2153-2199 Kingsway

Summary: To rezone 2153-2199 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building containing commercial retail units at grade and 101 secured market rental housing units. A height of 20.6 metres (67.5 feet) and a floor space ratio (FSR) of 3.35 are proposed.

Applicant: IBI Group Architects (Canada) Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of April 11, 2017.

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

- A. THAT the application by IBI Group Architects (Canada) Inc. on behalf of Hua Long International Technical Investment Ltd, to rezone:
- 2153-2173 Kingsway [*Lots 114, 113 and 112, Except Part in Reference Plan 2407, Blocks 2 and A District Lot 393 Plan 2707; PIDs: 013-535-773, 013-534-939 and 013-534-921 respectively*],
 - 2185 Kingsway [*PID: 017-659-892; Lot B Blocks 2 and A District Lot 393 Plan LMP3068*], and
 - 2199 Kingsway [*PID: 007-725-469; Lot 1 Blocks 2 and A District Lot 393 Plan 15037*]

from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.50 to 3.35 and the building height from 13.8 m (45.3 ft.) to 20.6 m (67.5 ft.), to permit the development of a six-storey mixed-use development containing commercial retail units at grade and 101 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated March 14, 2017 entitled "CD-1 Rezoning: 2153-2199 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 by Council in principle, generally as prepared by IBI Group Architects (Canada) Inc. and stamped "Received City of Vancouver, September 6, 2016", subject to the following conditions, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Urban Design

1. Consideration to provide an outdoor amenity area for the rooftop above Level 6, with children's play area, urban agriculture plots and areas for sitting and eating, while minimizing impacts to privacy for the properties located due north.

Note to applicant: A height relaxation may be granted if the provisions stated in the *Roof-Mounted Energy Technologies and Green Roofs - Discretionary Height Increases* bulletin are satisfied.

2. Design development to provide private outdoor space for every dwelling unit in the form of exterior balconies.

Note to applicant: All balconies should have a depth and width of no less than 1.8 m (6 ft.) in dimension.

3. Design development to maximize the access to natural light for the north-facing townhouse units located off the service lane on the ground storey.

Note to applicant: Reducing the depth of the architectural soffit over the windows would help to satisfy this condition.

4. Provision of a vertical ventilation shaft that can exhaust air from the ground-floor commercial retail units through the highest roof, for every 75 ft. of linear storefront facing Kingsway.

5. Design development to ensure that every dwelling unit has a minimum size of 398 sq. ft., excluding in-suite storage closets.

6. Relocation or design development to the proposed ventilation grill located adjacent to the public Gladstone Street sidewalk to ensure that:

- (i) during operation, the exhaust produces little noise and low-air flow onto the sidewalk;
- (ii) it discourages mischief and loitering in this covered area; and
- (iii) the grille may be integrated with a more customized artistic aesthetic.

7. Consideration to vary the proposed colour palette of spandrel panels.

8. Submission of a bird-friendly strategy for the design of the building is encouraged in the application for a development permit.

Note to applicant: Strategy should identify any particular risks with regard to the *Bird Friendly Design Guidelines* and propose design features or to reduce these risks. For more information, see the

guidelines at
<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.)

9. That the proposed unit mix of 45% studio, 17% one bedroom, 31% two bedrooms and 7% three bedrooms be included in the development permit drawings.

Note to applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

Crime Prevention through Environmental Design (CPTED)

10. Design development to consider the principles of CPTED, having particular regard for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcoves and vandalism, such as graffiti.

Landscape Review

11. Design development to expand programming to provide a children's play area with visual access from an indoor amenity room.

Note to applicant: This can be achieved from Level 1 amenity area, Level 2 amenity area, or on the rooftop (see condition (b)1).

12. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to applicant: Underground parking slabs and retaining walls may need to be sloped or altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BCSLA standards or better.

Sustainability

13. Confirmation of the building's sustainability performance as required by the *Green Buildings Policy for Rezoning*, including achieving Gold certification under LEED® for Homes - Multifamily Mid-Rise with a minimum of 14 Energy and Atmosphere (EA) points, 1 water efficiency point and 1 storm water point or surface water management point.

Note to applicant: Submit a LEED® checklist and a sustainable design strategy outlining how the proposed points will be achieved, along with a receipt including registration number from the CaGBC, as a part of the development permit application. The checklist and strategy should be incorporated into the drawing set. A letter from an accredited professional confirming that the building has been designed to meet the

policy and application for certification of the project will also be required under the policy.

Engineering

14. Clarification of garbage pick-up operations.

Note to applicant: Please provide written confirmation that a waste hauler can access and pick up from the location shown. Note that pick up operations should not rely on bins being stored on the street or lane for pick up, bins are to be returned to storage areas immediately after emptying.

15. Provision of the following notations on the landscape plans:

- (i) "All sidewalks between the curb and property line are to be reconstructed fully at the applicant's expense."
- (ii) "A landscape plan is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive 'For Construction' approval and related permits are issued. Please contact Kevin Cavell at 604.873.7773 for details."
- (iii) "Installation of parking regulatory signage on Kingsway and Gladstone Street adjacent the site to the satisfaction of the General Manager of Engineering Services".

16. Deletion of lane lines and median shown on Kingsway on the site plan (drawing 9 of 34) as there are no plans to revise the existing paint markings.

17. Provision of automatic door openers providing access to the bicycle rooms clearly noted on the plans.

18. Provision of 3 ft. (0.9 m) clearance from walls for the outer most Class B bicycle spaces.

Note to applicant: Additional width is required for access to these spaces.

19. Compliance with the *Parking and Loading Design Supplement* to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking area and at all entrances.

Note to applicant: This is required to calculate the slope and crossfall.

- (ii) Provision of a minimum 6.1 m (20 ft.) wide overhead gates and maneuvering aisle width.

Note to applicant: Clearly note on plans and dimension the width of both O/H gates on P1.

- (iii) Provision of updated plans showing consistent number of Class B bicycle spaces.

Note to applicant: Tech table and sheet 15 indicate 20 Class B spaces are being provided and drawing L1.1 shows 12 spaces.

- (iv) Modify column placement to comply with the requirements of the *Parking and Loading Design Supplement* as follows:

- a. Provide a minimum 0.3 m (1 ft.) setback from the drive aisle for all columns and dimension on plans.
- b. Dimension the overall stall width for stalls where columns are set back more than 4 ft. from the end of the stall as additional parking stall width is required.
- c. Dimension all columns.

- (v) Provision of an improved section drawing showing 2.3 m of vertical clearance for the main ramp and security gates.

Note to applicant: Section A-A dimensions 9 ft. to the top of the slab and not the ceiling of the parking level. Update drawings to show the overhead gate and ensure all utilities are located beyond the 2.3 m of required clearance.

- (vi) Provision of an improved plan showing the access route from the Class A bicycle spaces to reach the outside.

Note to applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

Housing Policy and Projects

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

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

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of

Engineering Services, the General Manager of Community 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. Consolidation of Lots 112, 113 & 114, All Except Part in Reference Plan 2407, Plan 2707; Lot 1, Plan 15037; and Lot B, Plan LMP3068; All of Blocks 2 and A, DL 393 to create a single parcel.
2. Provision of a statutory right of way for public pedestrian use of an expanded sidewalk over the area between the at-grade building face and the south (Kingsway) property line. The SRW agreement must accommodate underground parking levels P1 and P2, and upper portions of the building from Level 2 to the roof within the SRW area.
3. Release of Easement & Indemnity Agreements 114764M (support agreement), 243014M (commercial crossing agreement) and A56423 (extension) prior to building occupancy.

Note to applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

4. Provision of a shared use loading agreement between the residential and commercial uses for use of the two proposed Class B loading bays.
5. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project.

Note to applicant: The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100 per cent of any water system upgrading that may be required.

- (ii) Provision of a report or management plan by a registered professional demonstrating that post development storm water runoff flowrate will be less than or equal to current site run-off.

- (iii) Provision of new concrete sidewalks adjacent the site in keeping with the Norquay Village treatment and public realm plans. Provision of concrete sidewalk with saw cut joints on Kingsway and Gladstone Street as the proposal indicates tooled joints.
 - (iv) Provision for street re-construction on Gladstone Street adjacent to the site to generally include the following: new curb and gutter; a 2.5 m wide raised protected bike lane; a 1.83 m (6'-0") wide CIP light broom finish concrete sidewalk with saw cut joints in front of the residential component and 4.27 m (14'-0") in front of the commercial components; curb ramps; boulevard with street trees; improved street and pedestrian LED lighting; removal of the existing curb bulge; and adjustment to all existing infrastructure to accommodate the proposed street improvements.
 - (v) Provision of upgraded street lighting fixtures using LED technology at the intersection of Gladstone Street and Kingsway.
 - (vi) Relocation of the existing bus stop ID to 23.5 m west of the property line along Gladstone Street (approximately 7.4 m west of existing ID location) and removal of the existing bus shelter and litter can on Kingsway and reinstallation of the bus shelter 2.1 m west of the new bus ID location (bus shelter ad panel to be 1.5 m east of existing trolley pole).
 - (vii) Provision of street trees adjacent the site where space permits.
6. Provision of all utility services to be underground from the closest existing suitable service point.

Note to applicant: All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes, switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

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

Housing

8. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver

Development Cost Levy By-law for the longer of 60 years and life of the building, subject to the following additional conditions:

- (i) A no separate-sales covenant.
- (ii) A no stratification covenant.
- (iii) That none of such units will be rented for less than one month at a time.
- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and again prior to development permit issuance.
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	2153-2199 Kingsway Proposed Average Starting Rents
Studio	\$1,256
One bedroom	\$1,674
Two bedrooms	\$2,079
Three bedrooms	\$2,603

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Community Services and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by Section 3.1B(c) of the Vancouver Development Cost Levy By-law.
- (vii) Such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may in their sole discretion require.

Note to applicant: This condition will be secured by a Housing Agreement to be entered into by the City, by by-law, enacted pursuant to section 565.2 of the *Vancouver Charter*.

Environmental Contamination

- 9. If applicable:

- (i) Submit a site profile to Environmental Services (Environmental Protection);
- (ii) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (iii) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

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

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

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated March 14, 2017, entitled "CD-1 Rezoning: 2153-2199 Kingsway", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law.
- 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" of the Sign By-law [assigned Schedule "B" (C-2)], generally as set out in Appendix C of the Policy Report dated March 14, 2017, entitled "CD-1 Rezoning: 2153-2199 Kingsway", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment of the Parking By-law, generally as set out in Appendix C of the Policy Report dated March 14, 2017, entitled

"CD-1 Rezoning: 2153-2199 Kingsway".

- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated March 14, 2017, entitled "CD-1 Rezoning: 2153-2199 Kingsway".
- F. THAT A through E be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City 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.

[RZ - 2153-2199 Kingsway]