

SUMMARY AND RECOMMENDATION

5. REZONING: 855 Kingsway

Summary: To rezone 855 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with commercial uses at grade and 50 secured for-profit affordable rental housing units. A height of 24.3 metres (79.7 feet) and a floor space ratio (FSR) of 3.3 are proposed.

Applicant: Cornerstone Architecture

Referral: This item was referred to Public Hearing at the Regular Council Meeting of May 15, 2018.

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

- A. THAT the application by Cornerstone Architecture on behalf of 1026651 B.C. Ltd. to rezone 855 Kingsway [*Lots 13 and 14 Block 90 District Lot 301 Plan 187; PIDS: 004-994-281 and 004-994-183 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 2.5 to 3.3 and the maximum building height from 13.8 m (47.3 ft.) to 24.3 m (79.7 ft.) to permit the development of a six-storey mixed use building with commercial at grade and 50 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated May 1, 2018 entitled "CD-1 Rezoning: 855 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 prepared by Cornerstone Architecture, and stamped "Received City Planning Department on January 24, 2018", 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. Design development to reduce the apparent massing of the building by setting back the upper 5th and 6th floor 6 ft. from the primary face of the building off of Kingsway.

Note to Applicant: This upper massing setback is required to better comply with the massing profile anticipated within the C-2 zoning and guidelines.

2. Design development to enhance the legibility of the residential entry.

Note to Applicant: The main residential entry should be clearly legible. Changes of material, lighting and architectural elements can be used to enhance visibility of the entrance.

3. Design development to ensure the amenity area is a flexible functional area.

Note to Applicant: the column located in the center space limits its use. Provide confirmation that there is direct access from the indoor amenity area to the outdoor amenity area.

4. Design development to create visual interest to the two internal side yard elevations.

Note to Applicant: this can be accomplished through variations in the materials or texture.

5. Design development to ensure all storage areas meet the requirements set out in the *Bulk Storage and In-suite Storage* Administrative Bulletin. <http://bylaws.vancouver.ca/bulletin/b004.pdf>

6. Provision of a vertical ventilation shaft that can exhaust air from the ground floor Commercial retail units through the highest roof.

7. Submission of a bird friendly strategy for the design of the building and landscape is encouraged in the application for a development permit.

Note to Applicant: The strategy should identify any particular risks with regard to the Bird Friendly Design Guidelines and propose design features to reduce these risks. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

8. 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.

Sustainability

9. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin Green Buildings Policy for Rezoning – Process and Requirements (amended April 28, 2017 or later).

Landscape Design

10. Design development to better articulate, provide more opportunities for social interaction and expand the programming of common outdoor amenity space on Level 1, as follows:
- (i) Improve programming for the space between Children's Play area and indoor Amenity Room to be a more meaningful space, without increasing surface paving.
 - (ii) Increase landscape buffer between Children's Play area and Loading.
 - (iii) Enable and provide a minimum 3 ft. wide landscape buffer next to both east and west property lines.
 - (iv) Provide high quality, creative and natural materials in landscaped areas, especially in the Children's Play area.
 - (v) Provide additional passive seating areas such as benches and seat walls.
11. Design development to improve sustainability, expand programming and improve usability of rooftop outdoor Amenity space by the addition of Urban Agriculture plots.

Note to Applicant: Urban agriculture plots should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure

required, such as potting benches, hose bibs, etc. Garden plots should be wheelchair accessible.

12. Design development to improve sustainability by the provision of an extensive green roof on the flat upper rooftop.
13. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design.

14. Provision of section details at a minimum scale of 1/2"=1'-0" scale to illustrate typical proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other features. Planter section details should show dimensioned rootballs to confirm depth of proposed planting on structures is deep enough to accommodate rootballs of proposed trees well into the future. The depth should exceed BCSLA standard and be minimum 3 ft. for trees and 2 ft. for shrubs.
15. Provision of a high-efficiency automatic irrigation system to for all planted areas.
16. Provision of a Landscape Lighting Plan for security purposes.

Note to applicant: Lighting details can be added to the landscape drawings; all existing light poles should be shown.

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

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

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

18. Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note:

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

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

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

Note to Applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at:

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

20. Provision of the following to ensure complete information:

- (i) Plans to be at a correct, known scale (not reduced) and to match architectural scale;
- (ii) Details to be referenced on plans;
- (iii) Complete coordination, notations and references;
- (iv) Complete schedules for hard and soft materials (the use of artificial turf will not be supported on any surfaces); and
- (v) Improved graphic readability by deleting grey tones or submit plans in colour.

Engineering Services

21. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.
22. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time is required for any major crane erection / removal or slab pour that requires additional street use beyond that already identified in the project street use permissions.

23. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
24. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
25. Provision of an updated Site Plan and Landscape drawings showing and noting the SRW line on Kingsway.
26. Provision of Class B bike parking on private property as per the By-law.

Note to Applicant: Please ensure Site Plan and landscape drawings illustrate all Class B bike parking requirements to ensure all racks are installed on private property and bicycles secured to rack do not encroach onto public property.

27. Provision of an updated plan showing the access route for 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.
28. Provision of automatic door openers on the doors providing access to the bicycle rooms.
29. Design development to improve the parkade layout and access design and compliance with the Parking and Loading Design Supplement, and Bicycle Parking Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:

- (i) Clarify if hatching and a handrail is required on the main ramp for pedestrian egress.

Note to Applicant: The ramp may need to be widened to maintain a 20 ft. drive aisle width.

- (ii) Provision of a reduced slope and cross-fall at the bottom of the main ramp.

Note to Applicant: this is to reduce the overall combined cross slope of approximately 7%. Refer to section drawing A4.5 to confirm if the elevations at the south wall of the parkade can be raised while still maintaining the required vertical clearance for disability parking.

- (iii) Provision of measures to address conflicts between vehicles at the bottom of the ramp.

Note to Applicant: Engineering recommends improving visibility through provision of view portals in the parkade ramp wall and installation of a parabolic mirror at the bottom of the ramp.

- (iv) Provision of a section drawing through residential small car stall 13 with overhead projections and vertical clearances under projections dimensioned on the drawings.
- (v) Provision of 8 ft. 6 in. stall width between the wall and the column for single module parking stall Visitor 3.

Note to Applicant: column encroachments are not permitted in single module stalls.

Affordable Housing

- 30. That the proposed unit mix, 16% 2-bedroom units and 20% 3-bedroom units be included in the Development Permit drawings.

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

- 31. 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.

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

CONDITIONS OF BY-LAW ENACTMENT

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

Engineering Services

1. Consolidation of Lots 13 and 14, Block 90, DL 3016, Plan 187 to create a single parcel.
2. Release of Easement & Indemnity Agreement 330533M (commercial crossing) 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.

3. Provision of a building setback and a surface Statutory Right-of-Way (SRW) on Kingsway adjacent the site to achieve a 5.5 m (18 '0") sidewalk from the back of the existing City curb to the building face. A legal survey of the existing dimension from the back of the City curb is required to determine the final setback/SRW dimension. The SRW will be free of any encumbrance at grade such as structure, stairs, door swing, landscape and bicycle parking but must accommodate portions of structure on Level P1 and Levels 2 to 6 within the SRW agreement.
4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until security for the services is provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

- (ii) Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.
- (iii) In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.
- (iv) Provision of new CIP light broom finish concrete sidewalk with saw cut joints on Kingsway adjacent the site between the front boulevard and the property line and new 1.2M exposed aggregate utility strip at the curb with 4 piece standard tree surrounds where they can be accommodated.
- (v) Upgraded street lighting on Kingsway adjacent the site to current LED standards including a review of the existing lighting to determine its adequacy and a lighting design as required

Affordable Housing

- 5. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years or the life of the building, and 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	855 Kingsway Average Starting Rents
Studio units	\$1,385
1-bedroom	\$1,638
2-bedroom	\$2,459
3-bedroom	\$3,109

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts Culture and Community Services (or successor in function) 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 Arts Culture and Community Services (or successor in function) and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Section 219 Covenant and a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Environmental Contamination

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

remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

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

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

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

- B. THAT, if Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated May 1, 2018 entitled "CD-1 Rezoning: 855 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 contemplated by this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.
- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD -1 Rezoning: 855 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 to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated May 1, 2018, entitled "CD-1 Rezoning: 855 Kingsway".
- E. THAT A through D be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and the expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 - 855 Kingsway]