

## SUMMARY AND RECOMMENDATION

**3. REZONING: 3595 Kingsway (Odd Fellows Manor)**

**Summary:** To amend CD-1 (60) By-law No. 4491 for 3595 Kingsway to permit the development of a six-storey mixed-use building containing commercial retail units at grade, 44 social housing units and 117 secured for-profit affordable rental housing units. A height of 23.0 metres (75.2 feet) and a floor space ratio (FSR) of 3.69 are proposed.

**Applicant:** GBL Architects

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of September 20, 2016.

**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:

**RECOMMENDATION**

- A. THAT the application by GBL Architects, on behalf of Odd Fellows Low Rental Housing Society and Hungerford Properties, to amend CD-1 (60) By-law No. 4491 for 3595 Kingsway [*PID: 008-822-808; Lot 26, Blocks 3 and 4, District Lot 49, Plan 12672*] to permit a floor space ratio (FSR) of 3.69 and a building height of 23.0 m (75.2 ft.) to allow for a six-storey mixed-use building containing commercial retail units at grade, 44 social housing units and 117 secured for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)", 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 GBL Architects Inc. and stamped "Received Planning and Development Services, December 22, 2015", 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 strengthen the architectural expression at the Kingsway/Lincoln street corner, and to improve the Odd Fellows entry, as follows:
  - (i) set back the building face (approximately 12 ft.) in front of the entry doors to create a more open corner/covered plaza; and
  - (ii) increase the width of the corridor to the Odd Fellows lobby, to accommodate a stair adjacent to the chair lift.

Note to Applicant: Both an able-bodied person and a person in a wheelchair should be able to use the Kingsway entry to the Odd Fellows residence. Compliance with this condition may result in a decrease in floor space.

2. Design development to reconfigure the northwest corner of the building massing and outdoor space to accommodate tree retention (see also Landscape Design condition 12).

Note to Applicant: Compliance with this condition will result in a decrease in floor space. The amenity room for the Odd Fellows residence should be maintained at approximately 1,000 sq. ft.

3. Design development to provide adequate private outdoor spaces.

Note to Applicant: Balcony depths on the Kingsway elevation should be increased to minimum 4 ft. They may project further into the front yard setback, or be inset.

4. Design development of the Kingsway elevation to create further depth and animation, as follows:
  - (i) consideration to provide a variety of balcony depths (4 ft. and greater), and/or a combination of inset, partially inset, and projecting balconies;
  - (ii) increase the 5th storey (Level 6) setback at the northwest corner to 12 ft. (to match the storey above);
  - (iii) increase the depth of the weather canopy to 10 ft., and wrapping it around the northwest corner (at the Kingsway/Lincoln entry);
  - (iv) explore an alternative colour selection for the red "accents", including a multi-colour option;
  - (v) confirm that the colour of the vinyl window frames is black (or similar);

- (vi) provide information on the fritting on the glass guardrails (as these are described as providing “colour and animation to the building elevations”); and
- (vii) consideration to provide a greater colour contrast between the grey fiberglass reinforced concrete panel (horizontal pattern) and the grey fibre cement panel (rectangular pattern).

Note to Applicant: Compliance with this condition will result in a decrease in floor space. The information provided in response to the above may result in further conditions.

- 5. Design development to mitigate the visual impacts of the north elevation on the residential properties to the north, as follows:
  - (i) add planting along the north edge of the Level 6 terrace (similar to the planter on the Level 3 terrace);
  - (ii) lower the height of the wall-mounted trellis to match the parapet; and
  - (iii) consider extending the trellis structure to the east, to span the width of the urban agriculture area.

Note to Applicant: It is understood that the change in plane of the exterior wall on which the trellis is mounted would also shift to the east, resulting in a slight increase in floor space.

- 6. Design development to improve the livability of the social housing units, as follows:
  - (i) increase ceiling height on Basement/P1 Level to 9 ft.; and
  - (ii) increase ceiling height on Levels 1 and 2 to 8.5 ft.

Note to Applicant: Overall building height should not be increased. If required, floor-to-floor height of the market rental can be reduced.

- 7. Design development to improve the accessibility of the outdoor amenity space for the Odd Fellows residence.

Note to Applicant: This may be achieved by providing a wheelchair ramp. Alternatively, the chairlift could be relocated to a covered location. Note that the chairlift is currently shown in different locations on the floorplan and landscape plan.

- 8. Consideration to improve the sustainable design of the building envelope.

Note to Applicant: Intent is to reduce the energy required to heat and cool the building. This may be accomplished through the use of solar shading, triple glazing and avoidance of thermal bridging at window frames and projecting concrete structures such as balconies. Consider the use of thermally broken door and window frames, and either insulating the concrete projections or installing thermal breaks.

9. 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 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>.

#### **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.

#### **Sustainability**

11. 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.

#### **Landscape Design**

12. Design development and coordination of the plans with a revised arborist report, to enable the retention and protection of a group of three trees in the northeast corner of the site: Trees #11, #12 and #13.

Note to Applicant: It is understood that this will require revisions to the parkade and building footprint, and may result in reduced floor area. The three trees are significant, healthy Tulip Trees which currently contribute to privacy for the adjacent properties to the north. Tree #12 is already proposed for retention, however, the three trees are growing as a group, with their root zones intertwined. The trees, therefore, should be retained and protected, as a group. An updated arborist report should recommend safe methods of protection.

### Engineering

13. Revision of the landscape and site plans to reflect the requirements of this rezoning application noting the following:
  - (i) all planting on street right-of-way are to be maintained by the adjacent property owner; if this is not acceptable please remove all planting on street right-of-way;
  - (ii) all plant material within the same continuous planting area which is located on street right-of-way within 10 m, measured from the corner, of an intersection, pedestrian crossing, entrance to a driveway or other conflict areas where sightlines need to be maintained for safety reasons, shall not exceed a mature height of 0.6 m, measured from the sidewalk;
  - (iii) all plant materials within the street right-of-way which are located outside of the areas described in item 14 (ii) shall not exceed 1 m in height, measured from the sidewalk; and
  - (iv) remove *Lonicera pileata* (LP) from landscaping adjacent to lane due to potential encroachment issues; replace with a plant that does not have a vigorous spreading habit.

### Housing Policy and Projects

14. Provision of an Operations Management Plan, to the satisfaction of the General Manager of Community Services, that addresses key issues including but not limited to:
  - (i) a draft building operations and maintenance plan and operating budget in respect of the social housing units;
  - (ii) a detailed tenant relocation plan for current non-market tenants, including first right of refusal for existing tenants at existing rents or rents geared to be no more than 30% of their income;
  - (iii) a coordinated tenant selection process for units not claimed by returning tenants, including referral from the BC Housing Registry; and

- (iv) allocation of any potential surplus rental revenue from the non-market units to broaden and deepen affordability.
15. The proposed mix of the market residential units in this development, including 71 studio units (60.7%), 10 one-bedroom units (8.5%) and 36 two-bedroom units (30.8%), is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the proposed 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 25% of the dwelling units designed to be suitable for families with children.

#### 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. Release of Easement & Indemnity Agreement 514183M (See 612125L), a support agreement, 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.

2. Provision of building setback and a surface Statutory Right of Way (SRW) to achieve a 5.5 m distance from the back of the City curb to the building face.

Note to Applicant: Current plans are showing a 19 ft. boulevard dimension. A legal survey of the existing dimension from the back of the City curb to the existing property line is required to determine the final setback/SRW dimension. The SRW agreement is to accommodate the underground parking, the balconies on levels 3 to 6, and projections at the 7th level within the SRW area.

3. 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 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.

- (ii) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.

Note to Applicant: The current application lacks the details to determine if sewer main upgrading is required. Please supply project details including floor area, projected fixture counts and other details as required by the City Engineer to determine if sewer 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 sewer system upgrading that may be required.

- (iii) Provision of a minimum 1.83 m (6'-0") broom finish concrete sidewalk with saw cut control joints and a minimum 1.35 m (4'-6") front boulevard with sod and street trees on Lincoln Street.

Note to Applicant: The current plan shows a 3 ft. front boulevard.

- (iv) Provision of a new concrete sidewalk on Kingsway consisting of a minimum 1.2 m exposed aggregate front boulevard and minimum 3.0 m broom finish concrete sidewalk with saw cut joints.
- (v) Provision of improved curb ramps at the northwest corner of Kingsway and Lincoln Street including new curb returns should existing returns not meet current standards.
- (vi) Provision of a standard concrete lane crossing and new curb returns at the lane east of Aberdeen Street on the north side of Kingsway.

- (vii) Provision of \$275,000 towards installation of a pedestrian signal at Kingsway and Lincoln Street to improve pedestrian connections.
  - (viii) Provision of street trees adjacent to the site where space permits.
4. 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.

## Housing

5. Make arrangements to the satisfaction of the General Manager of Community Services and the Director of Legal Services to:
- (i) enter into a Housing Agreement, for the airspace parcel containing not less than 44 units (2,468 m<sup>2</sup> of gross floor area) of social housing, for the life of the building or 60 years, whichever is longer, and to include registrable covenants in respect of all such units prohibiting stratification, separate sales and rental for a term of less than one month at a time and securing a minimum of 30% of units to rent below rents that are affordable to households with an income of no more than the BC Housing Income Limits in order to comply with the exemption provisions for social housing in the *Vancouver Charter*, except that rents for a greater number of non-market units may be further defined and reduced below Housing Income Limits to accommodate the financial constraints of current/returning tenants.

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

- (ii) enter into a second Housing Agreement to secure all of the other residential units in this development, in an air space parcel, as for-profit affordable rental housing for the life of the building or 60 years, whichever is longer, and to include registrable



covenants in respect of all such units prohibiting stratification, separate sales and rental for a term of less than one month at a time, and subject to such other terms and conditions as are satisfactory to the Director of Legal Services and the General Manager of Community Services.

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

## Soils

6. If applicable:
  - (i) submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team).
  - (ii) as required by the Manager of Environmental Planning 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 Planning 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 Protection, 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 a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has 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 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 approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-laws for enactment, after the Housing Agreements have been agreed to and signed by the property owners and their mortgagee(s) prior to enactment of the CD-1 By-law contemplated by this report.
- 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 [assigning Schedule B (C-2)], generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)", 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 Parking By-law, generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)".
- E. 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 September 6, 2016, entitled "CD-1 Rezoning: 3595 Kingsway (Odd Fellows Manor)".
- F. THAT Recommendations 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 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 exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[RZ - 3595 Kingsway (Odd Fellows Manor)]