

## SUMMARY AND RECOMMENDATION

**4. REZONING: 2395-2469 Kingsway**

**Summary:** To rezone 2395-2435 Kingsway from RT-2 (Two-Family Dwelling) District, and 2443-2469 Kingsway from C-2 (Commercial) District, all to CD-1 (Comprehensive Development) District to permit the development of one 12-storey mixed-use building and one four-storey mixed-use building with 122 dwelling units and retail uses at grade. A height of 40.2 metres (132 feet) and a floor space ratio (FSR) of 3.8 are proposed.

**Applicant:** Ankenman Marchand 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 Ankenman Marchand Architects, on behalf of 0960813 B.C. Ltd., to rezone
- 2395-2399 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS2323; PIDs: 027-135-454 and 027-135-462 respectively*],
  - 2405-2409 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS3251; PIDs: 027-765-156 and 027-765-164 respectively*],
  - 2415 Kingsway [*PID: 014-790-645; Amended Lot 21 (See 592536L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*],
  - 2425 Kingsway [*PID: 014-790-670; Amended Lot 23 (See 283177L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*], and
  - 2435 Kingsway [*PID: 011-695-838; Lot 24, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*]
- from RT-2, and
- 2443-2469 Kingsway [*Lots 25 and 26, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388; PIDs: 014-790-696 and 014-790-718 respectively*]
- from C-2, all to CD-1 (Comprehensive Development) District to permit one 12-storey mixed-use building and one four-storey mixed-use building at 3.8 FSR with 122 dwelling units and retail uses at grade, generally as presented in Appendix A of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 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 Ankenman Marchand Architects Inc. and stamped "Received Planning and Development Services, June 30, 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. Significant design development to the proposed mid-block courtyard, located in the middle section of the site, to be a more useable and vibrant public place rather than a passageway, including the following:
  - (i) An increase to the overall width to a minimum of 40 ft. clear of any overhanging building elements (except for the proposed pedestrian bridge) for the entire height of the space;
  - (ii) Integrated permanent seating and tables to be strategically located within the space;
  - (iii) Active uses to fully animate the entire depth of the plaza, such as amenity rooms and commercial units, with direct entrances and maximum transparent glazing facing the plaza.
- 2. Design development to the commercial retail units:
  - (i) Locate all exhausts resulting from the commercial retail units to be through the roof of the buildings.
  - (ii) Ensure that there is no more than 1'-6" of vertical distance between the floor elevation of any CRU space and the sidewalk grade directly adjacent on the Kingsway frontage.
  - (iii) Confirmation that a minimum 0.35 FSR is allocated for non-residential uses on the ground floor plane.
- 3. Design development to provide opaque doors and garage doors at the lane that will mitigate any noises or odours emitting from the proposed garbage, loading and parking areas.
- 4. Design development to secure a significant amount of brick masonry as an exterior cladding material within the podium and tower portions of the development.

5. 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: 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>.

#### **Crime Prevention through Environmental Design (CPTED)**

6. 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 Design**

7. Provide enhanced landscape treatment of public realm open spaces at the street, lane and mid-block courtyard for neighbourhood identity, greening and safe, enjoyable spaces for pedestrians to circulate, stop, rest and interact.

Note to Applicant: At the mid-block courtyard, incorporate fully landscaped planters integrated with bench seating and a variety of small trees, low shrubs and groundcover plantings, and lighting. At the lane, terraced planters should be provided with substantial greenery to buffer near to grade private patios. At Kingsway, additional trees should be provided on private property to create a double row effect with existing street tree colonnade.

8. Incorporate a universally accessible continuous level pedestrian path through the mid-block public courtyard to connect the lane and Kingsway.

Note to Applicant: If possible, provide ramped path to replace one set of courtyard stairs; as well as a bike ramp at the edge of the stairs.

9. Final coordination of the public realm landscape treatment to meet the intent of the Norquay Village Public Realm Plan.

Note to Applicant: Aspects to consider at time of Development Permit application include paving, lighting, planting, pedestrian pathways,

safety and way finding, permanent site furniture, weather protection, garbage storage, recycling and loading.

10. Provide maximized plant growing medium volumes for trees and shrubs within landscaped planter areas on structure to ensure long term viability of plant species.

Note to Applicant: Soil volumes for landscape planters should exceed BC Landscape Standard (latest edition) with the goal to provide a minimum 4 ft. depth of growing medium for large species trees planted in ground, and 3 ft. depth for trees on structure. Where possible, alter (drop) slab to achieve soil depths to accommodate substantial trees and shrubs below the level of courtyards and pedestrian pathways. Where possible, angle edge of parkade slab to expand below grade planting area for tree roots without compromising headroom requirements in the parking garage. Trees planted on structures should be consolidated within a continuous trench, where possible, to improve planting condition. Consider use of structural soil for street level trees at Kingsway.

11. Incorporate edible landscaping and/or garden plots, with infrastructure to support urban agricultural activity at the outdoor amenity roof deck.

Note to Applicant: The design should maximize sunlight, integrate into the overall landscape design, and provide universal access. Design to be in keeping with the Urban Agriculture Guidelines for the Private Realm.

12. Provide a flexible Child's Play Space incorporating forms for children to engage in active and passive social play within a main common open space gathering area.

Note to Applicant: Recommend the use of solid natural elements arranged for people to climb, step up and socialize around. Refer to the High-Density Housing for Families with Children Guidelines for further features that are recommended.

13. Provide a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention, treatment and utilization of rainwater.

Note to Applicant: Strategies could include high efficiency (drip) irrigation, the use of drought tolerant plants and mulching. Proposed plantings should be consistent with the City of Vancouver Water-wise Planting Guidelines.

14. Incorporate the principles of the City of Vancouver Bird-Friendly Design Guidelines for the protection, enhancement and creation of bird habitat, in addition, reduce potential threats to accommodate birds in the city.

Note to Applicant: Incorporate a diversity of native and non-invasive plants within the planting scheme. Use of high visibility glass for windows, reduce reflection and dangers for attractants at building facades is encouraged.

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

15. At time of development permit application:
  - (i) Provision of a legal survey;
  - (ii) Provision of a fully labelled Landscape Plan, Sections and Details;
  - (iii) Provision of larger-scale section drawings at  $\frac{1}{4}''=1'-0''$  / 1:50 or better, to illustrate the public realm interface landscaping from the building face to the street and lane edge, lane interface, and courtyard plaza areas;
  - (iv) Provision of larger-scale architectural details  $\frac{1}{2}''=1'-0''$  or 1:25 or better to illustrate proposed landscape elements including planters on structures, benches, fences, gates, arbours and trellises, and other landscape features applicable to proposal. Planter sections details to confirm depth of proposed planting on structures.
  - (v) Provision of an external lighting plan for pedestrian routes and courtyards, to ensure that adequate lighting levels are achieved for CPTED performance while minimizing glare for residents and birds.

### **Sustainability**

16. Confirmation of the building's sustainability performance as required by the Green Buildings Policy for Rezonings, including at a minimum 63 points in the LEED® rating system, a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, one water efficiency point, and one storm water 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 the 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.

### **Housing Policy and Tenant Relocation Plan**

17. Provision of a notarized declaration which demonstrates that each tenant has been given written notice of the intent to redevelop the

property; that indicates the number of units occupied on the date of the notice; and includes information on posting of notice regarding the intent to redevelop as per Section 3 of the Rate of Change Guidelines; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.

18. Provision of a final Tenant Relocation Report which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to each tenant (moving costs, rent); and includes a summary of all communication provided to the tenants.

Note to Applicant: As per Section 10.12.2 of the Zoning & Development By-law pertaining to developments resulting in the demolition of existing residential rental accommodation, the development permit is not issuable until all building permits for the new development and a building permit for the demolition are issuable. Please do not issue any Notices to End Tenancies until all permits described above are issuable.

### Engineering

19. Clarify garbage storage and pick-up space. Please show containers and totters on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.

Note to Applicant: 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.

20. Provision of Ginkgo biloba 'Princeton Sentry' as the street tree on Kingsway.
21. Provision of 'Norquay Tree Surround' in the exposed aggregate utility strip on Kingsway and deletion of the proposed plantings at the base of the street trees.
22. Provision of Norquay Village street furniture in accordance with the Norquay Village Public Realm and Transportation Plan.

Note to Applicant: Norquay Village Neighbourhood Centre: Shopping Area - Public Realm and Transportation Improvements Plan (November 2010) <http://vancouver.ca/docs/planning/norquay-village-public-realm-and-transportation-plan-2010-november-4.pdf>

23. Provision that any plantings should not encroach on the adjacent sidewalk. Please show all planting at least 1.0 ft. behind the back of the City sidewalks where applicable.

24. Landscape plan to show the revised parking regulations along the Kingsway and lane frontages. (COV to supply.)
25. Provide automatic door openers on the doors providing access to the bicycle room(s).
26. Provision of universal access along the pedestrian mews between Kingsway and the lane. Any stairs should be replaced with a barrier-free access route.

Note to Applicant: Engineering does not support the stairs-only access between Kingsway and the lane. Applicant should provide an alternate solution to provide a 'stairs-free' access for people with mobility aids, strollers and people walking from the lane to Class A or Class B bicycle parking or the street.

27. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the Parking and Loading Design Supplement:

Please refer to the Parking and Loading Design Guidelines at the following link:

<http://former.vancouver.ca/engsvcs/parking/admin/developers.htm>

- (i) Provision of the required loading for the site.

Engineering would consider the provision of 2 Class B and 2 Class A loading spaces as meeting the loading requirement for the site provided a shared use agreement for the Class B and Class A loading spaces, freight elevator and loading corridor will be provided. Confirm that the commercial loading corridor from the freight elevator to gridline F on drawing A110 can be shared with the residential loading access to the residential elevator core as only one loading corridor is shown.

- (ii) Number and label all parking spaces, dimension all parking stalls, maneuvering aisles and column encroachments.
- (iii) Provision of additional width for parking stalls adjacent walls.
- (iv) Modify column placement or stall widths to comply with the requirements of the Engineering Parking and Loading Design Supplement.

Note to Applicant: Drawings A102, A104 and A106 show 4' columns with no set back from the maneuvering aisle. A column 2' in length must be set back 2' from either the opening to or

the end of the parking space. A column 3' long may be set back 1'. Refer to the Parking and Loading Design Guidelines.

- (v) Dimension the O/H gate on drawing A106 to confirm that the required 20' minimum width is being provided.
- (vi) Provision of design elevations on both sides of the parking ramp at all breakpoints, both sides of the loading bay, within the parking areas and at all entrances.

Note to Applicant: This is to calculate the slope and cross fall.

- (vii) Confirm that 'stairs free' access is being provided between the commercial elevator and the commercial disability spaces on drawing A106.
- (viii) Modification of the parking ramp design to address the following:
  - Provision of a maximum 10% ramp grade for the first 20' from the property line. Drawing A110 shows a 10% slope for approximately 17'.
  - Modify the ramp slope after the first 20' from the PL to achieve a maximum slope of 12.5% slope.

Note to Applicant: A consistent 12% slope can be achieved from elevation 292' to 283.89' on the ramp rather than the 15% shown.

- (ix) Provision of modifications to the Class B loading spaces, to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The Transportation Study by Bunt dated November 25, 2015 identifies numerous conflicts and modifications to the loading bays to improve loading access and maneuvering. Loading throats, additional bay widths or stall setbacks may all be required. Please update the plans to eliminate these identified conflicts.

- (x) Provision of minimum vertical clearance for the main ramp, security gates, and loading bays.

Note to Applicant: A section drawing is required showing elevations, and vertical clearances. The minimum vertical clearance should be noted on plans. 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.



- (xi) The storm and sanitary connections should be made to existing mains on Kingsway.

## 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 Managing Director of Cultural Services, the General Manager of Community Services (or successor in function), 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 the following:
  - 2395-2399 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS2323; PIDs: 027-135-454 and 027-135-462 respectively*],
  - 2405-2409 Kingsway [*Strata Lots 1 and 2, District Lot 393, Group 1, New Westminster District, Strata Plan BCS3251; PIDs: 027-765-156 and 027-765-164 respectively*],
  - 2415 Kingsway [*PID: 014-790-645; Amended Lot 21 (See 592536L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*],
  - 2425 Kingsway [*PID: 014-790-670; Amended Lot 23 (See 283177L) of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*], and
  - 2435 Kingsway [*PID: 011-695-838; Lot 24, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388*]
  - 2443-2469 Kingsway [*Lots 25 and 26, except part in Reference Plan 2407, of Lot 9, Blocks B and 10, District Lot 393, Plan 1388; PIDs: 014-790-696 and 014-790-718*] respectively, (upon dissolution); to create a single parcel
2. Release of Easement & Indemnity Agreement 269241M (See 122789L) - 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 for zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

3. Provision of a building setback of 24 feet (7.31 m) per the Norquay Village Neighbourhood Centre Plan and provision of a Statutory Right of way to achieve a 5.5 m distance from the existing curb to the inner edge of the statutory right of way along Kingsway. 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 SRW dimension.

Note to Applicant: The SRW area is to be clear of tables, chairs, planters, benches and door swings but will allow for structures below grade and certain structures above grade such as canopies located to the satisfaction of the General Manager of Engineering Services in consultation with the Director of Planning.

4. Provision of a surface Statutory Right of Way to secure a pedestrian connection through the breezeway between the two buildings from Kingsway to the lane.

Note to Applicant: The SRW agreement is to accommodate both below-grade and above-grade structures which are to be located to the satisfaction of the Director of Planning in consultation with the General Manager of Engineering Services.

5. Provision of a SRW along the north edge of the site adjacent the laneway, for the sign posts and bases allowing for installation of parking regulations on private property.
6. Provision of \$250,000 towards the installation of mid-block pedestrian crossing and traffic signal in the 2400-block of Kingsway to support the proposed connections from Kingsway to the lanes and residential areas beyond and break up the long blocks in support of the mid-block shopping courts intended of the Norquay plan.
7. 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 in the form of a letter of credit, or other security satisfactory to the City, for the Services are provided.
  - (i) Provision of new concrete sidewalks and street furniture adjacent the site in keeping with the Norquay Village plan.
  - (ii) Provision of street trees adjacent the site where space permits.
  - (iii) 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.

8. 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 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.

#### **Community Amenity Contribution (CAC)**

9. Pay to the City a Community Amenity Contribution of \$879,530 which the applicant has offered to the City. 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. The \$879,530 is to be allocated as follows:
  - (i) \$439,765 (50% of total CAC package) to the Affordable Housing Reserve to increase the City's affordable housing supply in and around the Norquay Village Neighbourhood Centre Plan area; and
  - (ii) \$439,765 (50% of total CAC package) towards childcare and community facilities serving residents and workers in or near the Norquay Village Neighbourhood Centre Plan area.

#### **Public Art**

10. Execute an agreement satisfactory to the Directors of Legal Services and 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 (a checklist will be provided).

Note to Applicant: Please contact the Public Art Program Manager at 604-871-6002 to discuss your application.

#### **Soils**

11. 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 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-3A)], generally as set out in Appendix C of the Policy Report dated September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 Kingsway", be approved.
- C. 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: 2395-2469 Kingsway".
- 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 September 6, 2016, entitled "CD-1 Rezoning: 2395-2469 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 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 - 2395-2469 Kingsway]