

SUMMARY AND RECOMMENDATION

4. REZONING: 2330 - 2372 Kingsway and 2319 East 30th Avenue

Summary: To rezone from C-2 and RS-1 to CD-1 for a mixed use development including:

- 346 market dwelling units in two towers and two low-rise buildings;
- 3 635 m² (39,128 sq. ft.) of commercial floor area including space for a grocery store, a small pub and a beer and wine store; and
- a 550 m² (5,921 sq. ft.) child day care facility.

Applicant: Timothy Ankenman, Equitas Development

Recommended Approval: By the Director of Current Planning, subject to conditions

- A. THAT the application by Equitas Real Estate Advisors Ltd. to rezone 2330-2372 Kingsway and 2319 East 30th Avenue (Lots A-E, Plan 9141, Lots 2-4 and 14-16, Plan 3283 and Lots 8 and 9, Plan 3512, all of Block 11, D.L. 393) from C-2 Commercial District and RS-1 One-Family Dwelling District to CD-1 Comprehensive Development District, to permit a mixed use development generally as outlined in Appendix A of the Policy report dated September 21, 2005 entitled "CD-1 Rezoning - 2330-2372 Kingsway and 2319 East 30th Avenue", be approved, subject to the following conditions:

FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Ankenman Marchand Architects, and stamped "Received City Planning Department", June 2, 2004, provided that the Director of Planning may allow 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:

DESIGN DEVELOPMENT**Overall Site**

- (1) design development to reduce the overall density of both the north and south sites to a maximum of 3.6 FSR;
- (2) design development to the public lane to provide pedestrian crossing points located at sidewalks on each side of the new access driveway through a raised table crossing, or other similar treatment, to the satisfaction of the General Manager of Engineering Services;

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- (3) design development to the commercial street frontages on Kingsway and Nanaimo Street to provide small scale store front rhythms and pedestrian amenity, having regard, where applicable, to the Council-adopted C-2 Guidelines;
- (4) provide a concrete driveway ramp at the sidewalk on Nanaimo Street, to the satisfaction of the General Manager of Engineering Services;
- (5) provide lane edge landscape treatments and setbacks;
- (6) use high quality building materials and detailing;
- (7) clarify fire flow demands for the development. [Note to Applicant: The current application does not contain enough detail to determine the need for water system upgrading. Any water system upgrading necessary for this project is to be fully at the applicant's expense];
- (8) submit an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

North Site - General

- (9) provide scored broom finish panels and exposed aggregate banding with specialty "Norquay Village" character insets for the sidewalk treatments on Kingsway and Nanaimo Street, to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
- (10) provide street trees, and furnishings such as garbage bins, tree grates, bicycle racks, newspaper vending surrounds and pedestrian lighting, to the satisfaction of the Director of Planning and the General Manager of Engineering Services;
- (11) design development to delete the roof encroachments shown on each side of the Kingsway entry to the plaza;
- (12) design development to delete portions of the building shown over the 1.5 m (5 ft.) by 1.5 m (5 ft.) corner cut at Kingsway and Nanaimo Street. [Note to Applicant: Canopies are permitted through a separate application to the General Manager of Engineering Services];

North Site - Northwest Tower

- (13) relocate the pub to the Kingsway and/or Nanaimo Street side and confirm acoustical and mechanical separations between the pub and residential use;
- (14) relocate loading bay and garbage storage area to be between the retail unit facing Nanaimo Street and the retail unit facing onto the new access driveway, the loading bay and garbage storage area to be gated with electronic communication to commercial users, and provide limited access to residential users for loading and shared use for garbage;
- (15) provide a 1.5 m (4.92 ft.) building setback on both Kingsway and Nanaimo Street;
- (16) design development to the tower character to provide a strong 4 to 6 storey base element to relate to the context, with the tower element rising from that base and orienting toward the corner of Kingsway and Nanaimo Street, with the tower

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floor plate to be minimized to reduce scale;

North Site - Easterly Massing (East of New Access Driveway)

- (17) provide a 0.6 m (1.97 ft.) building setback on Kingsway at the east end, increasing to a 1.2 m (3.94 ft.) building setback from the westerly side of the residential entrance to the new access driveway;
- (18) design development to provide a strong sense of street enclosure on Kingsway by increasing the massing to 6 storeys;
- (19) design development to the commercial parking garage to provide pedestrian friendly access and visibility;
- (20) provide a 0.6 m (2 ft.) landscape setback from the lane and relocate commercial loading and garbage to the easterly end of the site, off the lane, and provide a loading management plan, to the satisfaction of the General Manager of Engineering Services;

North Site - New Access Driveway and Associated Sidewalks

- (21) provide two-way traffic drive aisles maximum and perpendicular parking on one side, plus maximize sidewalk space with a minimum of 1.8 m (5.9 ft.) sidewalk on the west side (tower may overhang up to 3.6 m (11.8 ft.) as shown on drawings), and a 3.8 m (12.5 ft.) sidewalk on the east side to allow walking plus outdoor seating or display of goods from adjacent retail units;
- (22) ensure that driveway paving treatments are pavers, coloured concrete, rolled curbs, exposed aggregate;
- (23) provide open space at points on the sidewalk as community seating space with trees, benches, pedestrian lighting, newspaper vending surrounds, garbage bins and landscaping;

South Site - General

- (24) provide a sidewalk and curb on East 30th Avenue to residential standards and a new sidewalk and street trees on Nanaimo Street in coordination with the General Manager of Engineering Services;

South Site - Southwest Corner of Nanaimo Street and East 30th Avenue

- (25) design development to reduce the height of the building to a maximum height of 23 m (75.5 ft.) and 7 storeys, including the child day care level;
- (26) provide a 3.6 m (11.8 ft.) setback and universal access to the ground level residential use from the street, and internal corridor access for ground level units on the mews, East 30th Avenue and Nanaimo Street to facilitate flexible conversion to artist live-work studios;

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- (27) provide a second row of street trees inside the property line along Nanaimo Street and East 30th Avenue;

South Site - Southeast Quadrant - Townhouses

- (28) ensure front yard setback on East 30th Avenue to principle building facade of townhouses (not including porches or bay windows) matches adjacent single-family residential use to a maximum of 6.1 m (20 ft.), with a 3-storey mass rhythm on East 30th Avenue, and a 6.1 m (20 ft.) setback to residential units on the lane with steps and gated entrances;
- (29) provide privacy fencing and hedging adjacent to existing residential use to the east of the site, and reduce overlook through the placement of trees, and reorienting townhouse units to the lane and East 30th Avenue;
- (30) design development to ensure that the townhouse units, on the mews, are oriented along the angle of the mews with individual front porches, steps and bay windows projecting onto the mews;
- (31) relocate parking entrance way accessed from the lane to the westerly side of the site to facilitate easy access to the underground parking garage for child day care drop-off and pick-up;

LANDSCAPE

- (32) design development to clarify the public and private pedestrian circulation pattern throughout the site;
- (33) design development to provide a better transition at the ground level between the private entry walks and the public areas, increase the width of the public sidewalk at the ground level alongside the private residences adjacent to the proposed grocery store;
- (34) design development to the public realm to include the provision of boulevard street tree planting. New street planting locations and species along Kingsway, Nanaimo Street and East 30th Avenue should be to the approval of the Park Board and the City Engineer (Streets). Tree planting on inner boulevard is not encouraged. All new street trees planted in a pavement to be in a structural soil integral to the new public sidewalk at ground level along Kingsway, Nanaimo Street and East 30th Avenue walk and the driveway paving system within the site;
- (35) provide of more landscape detail of private outdoor open spaces;
[Note to Applicant: The yards should be planted in a continuous pattern of lawn with layered small tree/shrub/perennial borders. Front property lines should be bordered with low hedges to create a sense of enclosure and protection from the street, while allowing for views into the front yard for security.]
- (36) provide private outdoor open space for the residents of the tower;
- (37) provide an arborist report to confirm the safe retention of the existing stand of privately-owned evergreen trees along East 30th Avenue. The safe retention of

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- the neighbouring Cherry tree bordering the east property line on East 30th Avenue should be considered;
- (38) provide a cross section detail to show the proposed east property line treatment at the ground level (south of lane). Provision of a tall-growing evergreen hedge along the east property line (south of the lane) to ensure adequate screening between the new residences and the neighbour;
 - (39) provide gated front yards (illustrated on the site plan and landscape plans); [Note to Applicant: The location of the front entry walk gates should be set back from the main walkway to allow for a landscape area between the gate and the public sidewalk.]
 - (40) provide a gated private pedestrian walk for residents at street level, entering the site at East 30th Avenue and connecting to the central plaza area;
 - (41) provide street trees adjacent to all sides of the site where space permits;

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

- (42) design development to take into consideration the principles of Crime Prevention through Environmental Design (CPTED) having particular regard for:
 - reducing opportunities for theft in the underground by providing secure separation between uses and by the location of perimeter exit stairs;
 - reducing opportunities for graffiti on blank walls and skateboarding on planter walls adjacent to residential uses; and
 - reducing opportunities for mischief in alcoves by deleting alcoves.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

PLANNING

- (1) Enter into an agreement, to the satisfaction of the Director of Current Planning and the Director of Legal Services to provide a 6.1 m (20 ft.) wide mews, secured for public use through the south site, to provide public access from East 30th Avenue to the north site;

ENGINEERING

- (2) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for subdivision of the development site in accordance with the proposed development plans, and including:

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- i) consolidation of Lots A, B, C and D, Plan 9141, and Lots 2, 3, and 4, Plan 3283, all of Block 11, District Lot 393; and
 - ii) consolidation of Lot E, Plan 9141, and Lots 8 and 9, Plan 3512, and Lots 14, 15, and 16, Plan 3283, all of Block 11, District Lot 393.
- (3) Make suitable arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the provision of concrete sidewalk and curb and gutter with pavement to the centre line of East 30th Avenue from Nanaimo Street to the lane east of Nanaimo Street;
- (4) Enter into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to provide for the following off-site services, including but not limited to the following off-site services:
- i) upgrading of the traffic signals at the intersection of Kingsway and Nanaimo Street, Kingsway and Slocan Street, and Nanaimo Street and East 33rd Avenue, subject to Council approval where appropriate, fully at the developer's expense within five (5) years of occupancy of the last building constructed on the site. [Note to Applicant: Provision of a fully actuated left turn phase for all but the westerly leg of the Nanaimo Street/Kingsway intersection and provision of advance left turn arrows on the east leg of the Kingsway/Slocan Street intersection];

Notwithstanding the foregoing, condition 4(i) may be reduced or eliminated, at the discretion of the General Manager of Engineering Services, pending further review by the transportation consultant and City staff pursuant to the reduction of density to 3.6 FSR.

- (5) Enter into an infrastructure servicing agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, to incorporate all of the agreed upon improvements and upgrades listed below, including results from various studies, all fully at the developer's expense as follows:
- i) provision of a study by a transportation professional which provides and assesses information pertaining to the necessary increase in storage length required for the left turn bays around the site, traffic volume analysis based upon projected 2010 traffic volumes, analysis of entering/exiting queues, required geometric changes and corner cuts necessary to accommodate trucks along the route and entering and exiting the site;
 - ii) provision of a truck access and routing management plan by a transportation professional which identifies and assesses all inbound and outbound truck routes, as well as all movements on-site and in the surrounding street network, and which identifies geometric changes necessary to accommodate

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- trucks, including the need for corner cuts at the southeast corner of Nanaimo Street and Kingsway, the northeast corner of East 33rd Avenue and Nanaimo Street, and at all driveway connections to the street network;
- iii) provision of a plan which identifies and provides traffic calming measures on East 30th Avenue and a commitment to undertake a neighbourhood open house with the residents of East 30th Avenue to confirm measures;
 - iv) modification of the intersection design of the Nanaimo Street/Mannering Avenue/East 30th Avenue intersection to normalize the east leg and to facilitate pedestrians crossing Nanaimo Street with localized sidewalk widening at crosswalks;
 - v) modification of the design of the Kingsway/Slocan Street intersection to reconfigure the southwest corner to decrease the length of the south crosswalk while accommodating westbound Kingsway to southbound Slocan Street truck turning movements; and
 - vi) examination of the left turn vehicle storage requirement for the westbound Kingsway to southbound Slocan Street movement based upon a 120 second signal.

Notwithstanding the foregoing, condition 5(vi) may be reduced or eliminated, at the discretion of the General Manager of Engineering Services, pending further review by the transportation consultant and City staff pursuant to the reduction of density to 3.6 FSR.

- (6) Make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for all new BC Hydro and Telus services to be undergrounded from the closest existing suitable service point, including a review of any cabling that may be necessary to determine the impact on the neighbourhood;
- (7) Do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571 (B) of the Vancouver Charter as required by the General Manager of Engineering Services and the City's Director of Legal Services in their discretion;
- (8) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for clarification of all charges registered in the Land Title Office against the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

SOILS REMEDIATION

- (9) Obtain and submit to the City copies of all soil studies and the consequential Remediation Plan, approved by the Ministry of Environment. Enter into or cause

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to be entered into agreements satisfactory to the Director of Legal Services, providing for the remediation of any contaminated soils on site in accordance with a Remediation Plan approved by the Ministry of Environment and acceptable to the City, providing security satisfactory to the Director of Legal Services for the completion of remediation and indemnifying the City and the Approving Officer against any liability or costs which may be incurred as a result of the presence of contaminated soils on the site;

- (10) Execute an Indemnity Agreement, satisfactory to the Director of Legal Services, providing for security to the satisfaction of the Director of Legal Services, protecting the City and the Approving Officer from all liability or damages arising out of or related to the presence of contaminated soils on the lands comprising the subject site, howsoever occurring, arising during the period commencing immediately following the Public Hearing until such time as the Ministry of Environment issues an approval, in a form satisfactory to the Director of Legal Services and the General Manager of Engineering Services, certifying that the subject site, including all roads, utility corridors and open spaces contained therein, have been remediated to Provincial Standards as defined in such approval;

PUBLIC ART

- (11) Execute an agreement, satisfactory to the Directors of Legal Services and the Office of Cultural Affairs 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 a preliminary public art plan to the satisfaction of the Director of Cultural Affairs, setting out the proposed public art program aims, artist terms of reference, site and artists selection methods, project budget, implementation plan and a schedule;

CHILD CARE

- (12) Execute a legal agreement, satisfactory to the Directors of Legal Services, Social Planning and Facilities Design and Management for the provision of a fully fitted up (i.e. ready for immediate occupancy), furnished and equipped, day care facility comprising:
 - 37 spaces for toddlers and 3 to 5 years old, at a location acceptable to the City, within the building located in the southwest corner of the site, and shall comprise 429 m² (4,620 sq. ft.) of gross floor area of fully finished indoor space, plus a minimum of 390 m² (4,200 sq. ft.) of immediately adjacent fenced and equipped outdoor space, plus a minimum of 78 m² (840 sq. ft.) of covered outdoor space.;

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[Note: Floor area for indoor space excludes additional circulation space required to accommodate the elevator, elevator lobbies and emergency exit stairwells, and the outdoor space will be immediately adjacent, fenced and equipped outdoor play space which includes landscaping and grassed areas.]

Both the indoor and outdoor space of the toddler and 3 to 5 Programs must meet all community care facilities licensing and Childcare Design Guidelines requirements and be satisfactory to the Director of Social Planning and Director of Facilities Design and Management. The owner shall bear all start-up costs.

The indoor day care space shall be leased to the City at nominal rent for 2000 years and similarly the outdoor play yard (unless the Director of Legal Services determines that the City should hold it under easement), with an endowment contribution of \$2,000 per toddler (12 toddlers) per year for 10 years, and a start-up cost contribution of \$2,000 per space (37 children) for 2 years. The day care space shall bear its own utility costs but it shall not contribute to building operating costs or taxes. The lease shall include at no additional cost the unrestricted use of 7 parking spaces at a location to be determined by the City. The lease shall be secured by an option to lease. The owner shall have the right to sublease the day care from the City on the same terms and conditions as the lease. This right shall be secured by an option to sublease.

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

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting the subject site, 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-law; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, 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, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other City officials and City Council.

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- B. THAT, subject to approval of the rezoning at a Public Hearing, the Noise Control By-law be amended to include this CD District in Schedule "B" and the Subdivision By-law be amended as set out in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Noise Control By-law and the Subdivision By-law at the time of enactment of the CD-1 By-law.

(RZ - 2330 Kingsway)