

## SUMMARY AND RECOMMENDATION

**6. REZONING: 228-246 East Broadway and 180 Kingsway**

**Summary:** To rezone from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to allow development with a mixed-use commercial and residential project, including the following components: a 2-storey commercial podium; 241 dwelling units; building heights of 5 storeys (79 feet), 9 storeys (118 feet) and 19 storeys (215 feet); a total floor area of 297,461 square feet; a floor space ratio (FSR) of 5.55; underground parking for 320 vehicles; and increased sidewalk widths on portions of the Kingsway and East 10th Avenue frontages.

**Applicant:** Mr. Alan Davies, Acton Ostry Architects Inc.

**Recommended Approval:** By the Director of Planning, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application, by Acton Ostry Architects on behalf of Rize Alliance (Kingsway) Properties Ltd., to rezone 228-246 East Broadway (*PIDs: 009-760-814, 009-760-822 and 009-760-831 - Lots A, B and C Block 119 District Lot 301 Plan 9097*) and 180 Kingsway (*PID: 010-976-523 - Lot E [Explanatory Plan 6228] Block 119 District Lot 301 Plan 6082*) from C-3A (Commercial) District to CD-1 (Comprehensive Development) District to permit a mixed-use commercial and residential project with a total floor space ratio of 5.55, generally as presented in Appendix A of the Policy Report dated January 20, 2012, entitled "CD-1 Rezoning - 228-246 East Broadway and 180 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 Acton Ostry, Architects, and stamped "Received City Planning Department, October 7, 2011", 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:

1. Design development to refine the proposed contextual and contemporary architectural strategy for the various massing components, with careful attention to the tower and the projects overall scale.

Note to Applicant: The architectural strategy should recognize and clearly announce aspects of the Mount Pleasant context, street life, façade quality and composition, materiality and colour, while leaving room for a creative and contemporary interpretation of these contextual assets. Incorporation of public art should be considered.

2. Design development to improve the shadow performance for the sidewalk between Main Street and Kingsway on the north side of Broadway for the respective equinoxes from 10:00 a.m. until noon.  
  
Note to Applicant: This can be achieved with some additional setting back or terracing of the upper floors without a reduction in proposed floor space.
3. Design development to refine the ground-level storefront, display and weather protection systems, to improve pedestrian vitality, visual interest and public realm quality.  
  
Note to Applicant: Each distinctive street frontage serves a different role with respect to uses, access and pedestrian amenities. A variety of architectural expression is supported.
4. Provision of a conceptual lighting strategy to ensure appropriate lighting levels and Crime Prevention Through Environmental Design (CPTED) performance while minimizing glare for nearby residents.  
  
Note to Applicant: Careful attention to public realm lighting, including the 10th Avenue and Watson Street frontages is required. All lighting should also be noted on the Landscape Plan.
5. Provision of a conceptual signage strategy to ensure a well conceived and constrained approach to announcing tenancies.  
  
Note to Applicant: The signage strategy should confirm general signage hierarchy, location and type. Back-lit box signs are not supported. Under this condition staff are pursuing a more understated approach to signage as observed on the Crossroads development located at Broadway and Cambie Street. Further clarification on finer grain, and more creative approaches to announcing ground-oriented tenancies as observed on Main Street is required.
6. Design development of an appropriate public realm strategy, in consultation with the Director of Planning and the General Manager of Engineering Services.  
  
Note to Applicant: Work will commence on the Mount Pleasant Public Realm Plan in early 2012. Staff emphasize the importance of anticipating and accommodating the pedestrian activity and related queuing associated with a future Broadway corridor transit system. More immediate discussion on the resolution of Watson Street, given access and loading requirements, and for the 10th Avenue frontage, given special public amenity and public realm opportunities as the quietest street adjacent to the site, with the best solar exposure, is required prior to development application submission.
7. Design development to minimize the visual impact of the Watson Street fronting loading function.  
  
Note to Applicant: Careful attention to minimize the opening, integrating custom visual screening, is required. Consideration should be given to working with a local artist in this regard.

8. Provision of an Operations Management Plan.

Note to Applicant: All aspects of site management including tenancy operations, public realm programming and anticipated protocols for communication with the developer/owner and the commercial/residential strata corporation(s) to ensure that complaints typically generated in a compact, urban mixed-use environment are effectively managed.

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

9. Design development to respond to CPTED principles, having particular regards for:

- (i) theft in the underground parking garage;
- (ii) residential break and enter;
- (iii) mail theft; and
- (iv) mischief in alcoves and vandalism, such as graffiti.

Note to Applicant: As with any large development, the applicant must consider and design against uncommon by the potential risks such as break and enter to property or vehicles, mail theft, the perceived safety of underground parking areas, mischief and vandalism. Provide a strategy that identifies the particular risks that may arise on the site and proposes specific features to mitigate them. Show on the Plans where these features should be located, and provide an indicative design for them.

#### **Sustainability**

10. Identification on the plans and elevations of the built elements contributing to the development's sustainability performance in achieving LEED® Silver, or equivalent, with a minimum of 36 points, including at least 3 optimize energy points, one water efficiency point and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming LEED® Silver status and a detailed written description of how the above-noted points have been achieved with reference the specific building features in the development. Both the checklist and description should be incorporated into the drawing set. As per Council policy, the project must be registered with the LEED® program.

#### **Landscape**

11. Provision of a complete Landscape Plan.

Note to Applicant: The Landscape Plan must illustrate the proposed Plant materials (common and botanical names), sizes and quantities; notation of existing trees (to be removed and retained), paving, walls, fences, light fixtures and other landscape elements. The Plan should be at 1:100 or 1/8" scale.

12. Provision of a Landscape Lighting Plan showing illumination of pedestrian areas for security and safety purposes.  
Note to Applicant: Lighting details should also be included on the Landscape Plan.
13. Design development to integrate and fully screen all above-grade utilities, such as gas meters and transformers.  
Note to Applicant: All utilities should be illustrated on the Landscape Plan and the Site Plan. Impact of utilities on the architectural expression and the buildings open space and the public realm must be minimized.
14. Provision of a detailed and thorough Landscape Management Schedule for the proposed landscape forms, including planters, the green roof and irrigation systems to ensure follow-up maintenance for long-term care of Plantings at all building locations.
15. Provision of adequate planting medium depth in the planters that are on-slab, to meet the latest BC Society of Landscape Architects (BCSLA) standard.
16. All plants must be consistent with the City of Vancouver "Water Wise Landscape Guidelines".
17. Provision of current best-practises for managing water conservation, including high-efficiency irrigation, aspects of xeriscaping including drought-tolerant plant selection and mulching, all to be illustrated on the Landscape Plan.  
Note to Applicant: Where the deletion of irrigation for all on-slab planters is a strategy to earn an LEED® point, provide a written rationale for the choice of plants, the amount of sun exposure and the soil volumes. In addition, provide a maintenance schedule for watering the plantings during the first year following installation to ensure proper maintenance.
18. Provision of a high-efficiency irrigation system specified in all landscaped areas.  
Note to Applicant: The irrigation system design and installation shall be in accordance with the Irrigation Industry Association of BC (IIABC) Standards and Guidelines latest standards. Notation to this effect should be added to the Landscape Plan.
19. Provision of sectional drawings illustrating the public realm interface between the building façade and the curb edge.  
Note to Applicant: The sections should be at a scale of 1:50 or ¼". They should include details of grade changes, retaining walls, guardrails, stairs and planters.
20. Provision of greenery along the Watson Street frontage in the form of a green wall.

21. Provision of new street trees located adjacent to the development site on Broadway and Kingsway, as illustrated on the landscape Plans submitted as part of the rezoning application.

Note to Applicant: Existing and healthy street trees on 10th Avenue and Watson Street must be protected, in consultation with Park Board staff.

22. New street trees to be provided adjacent to the development site and illustrated on the Landscape Plan, to be confirmed prior to issuance of a Building Permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering, ph: 604.871.6131 to confirm tree planting locations and Brad Etheridge, Park Board, ph: 604.257.8587 for tree species selection and planting requirements. Provide a notation on the Landscape Plan, "Final spacing, quantity, tree species to the satisfaction of the General Manager of Engineering Services. New trees 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 ft. in length and 18 inches in depth. Call the Park Board for inspection after tree planting completion."

### Engineering

23. Confirmation that there are no portions of buildings encroaching beyond the ultimate property lines of the site.

24. Existing property lines must be indicated on all Plan views, and be fully dimensioned.

Note to Applicant: At a minimum, the Site Plan must be fully dimensioned.

25. Clarification of the residential garbage pick-up operations is required.

Note to Applicant: Confirmation that a waste hauler can access and pick-up from the location shown without reliance of bin storage on City property is required.

26. Submission of a canopy application is required.

Note to Applicant: Any encroaching canopies require a canopy application. Please note that canopies must be fully demountable and drained to the buildings internal drainage system.

27. Provision of sidewalks that meet existing City standards for commercial frontages.

Note to Applicant: The sidewalks should provide an aggregate band at curb, with broomed finished and saw-cut joints on all frontages. The angled scoring of sidewalks is not supported — typical scoring is required.

28. Deletion of the pavers shown on public property on the Landscape Plan.

29. The Brewery Creek feature and proposed materials on public property are to be clarified.  
Note to Applicant: The design must be acceptable to the General Manager of Engineering Services and provide a long-lasting and slip-free treatment.
30. Design development to ensure that a minimum of 50% of the bicycle parking spaces must have dedicated electric plug-in outlets provided for electric bikes.
31. Design development to ensure that a minimum of 20% of the proposed residential parking spaces have vehicle charging infrastructure for electric vehicles.
32. Submission of a Loading Management Plan and a rationale for the requested loading relaxation.

#### 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 and to the Director of Planning, the Managing Director of Social Development, the General Manager of Engineering Services, the Managing Director of Cultural Services and Approving Officer, as necessary, at the sole cost and expense of the owner/developer unless otherwise noted, make arrangements for the following:

##### Engineering

1. Consolidation of Lot E (Explanatory Plan 6228) Block 119, DL 301, Plan 3082, and of Lots B and C, Block 119, DL 301, Plan 9097) into a single parcel.
2. Release of Easement & Indemnity Agreements 144291M (for fuel intake pipes on City property), BA554686 & BA554688 (existing building encroachments onto City property), and 214247M & 219924M (retaining wall/support agreements), and for Statutory Right-of-Way Agreement 221761M (for public utilities); prior to issuance of the building's occupancy permit.

Note to Applicant: The applicant should also make arrangements for the release of all other charges made redundant by the development, i.e., Party Wall Agreement 207095M and Easement M90946.

3. Provision of the following surface statutory rights of way for pedestrian purposes and removal of all structures above grade to a height of 7.62 m above grade, within the right-of-way areas:
  - (i) 2.5 m by 2.5 m (8.2 ft. by 8.2 ft.) corner-cut at the northwest corner of the site; and
  - (ii) 2.75 m by 2.75 m (9.0 ft. by 9.0 ft.) corner-cut at the northeast corner of the site.

4. Provision of a surface statutory right-of-way along the Broadway, Kingsway and 10th Avenue frontages between the building face and the property line (widened sidewalk) for pedestrian purposes. The statutory rights of way areas are generally as shown on Landscape Plan Level-01 dated May 18, 2010 and revised on October 10, 2011 and any further amendments. Further design development of the setback space and adjustment of the landscape features in this area is required to accommodate the public access statutory right-of-way.
5. Enter into a Services Agreement to provide for the following:
  - (i) a painted left-turn bay on northbound Kingsway at Broadway, including:
    - a. curb modifications along the west side of Kingsway, to accommodate the painted left-turn bay; and
    - b. traffic signal modifications and associated signal controller infrastructure to accommodate the installation of the painted left-turn bay.

Note to Applicant: Relocation of the curb, sidewalk and utilities will be required to accommodate the painted left-turn bay. The improvements to the traffic signal will be determined within five years of the last occupancy permit issued for the site, should traffic demands warrant signal improvements.

- (ii) modifications and improvements to 10th Avenue from Main Street to Watson Street and from Watson Street to Kingsway, including:
      - a. improvements to the 10th Avenue Bikeway;
      - b. transit and bus improvements on 10th Avenue;
      - c. curb and pavement modifications to restrict vehicle travel on 10th Avenue between Kingsway and Watson Street and to accommodate bikeway and transit bus stop improvements;
      - d. upgrades to the street lighting on 10th Avenue to Greenways standards;

Note to Applicant: Full cut-off metal halide luminaries and additional street lamp standards, including pedestrian-level lighting where necessary, to meet lighting needs are required.

- e. Provision of a minimum of two benches and a water fountain along 10th Avenue to complement the Greenway;

Note to Applicant: The benches and fountain are to be maintained by the project and should be provided on-site, not on public property. The detailed design of all improvements will be finalized following consultation with the local community and stakeholders.

- f. Provision of improvements around the site to meet current standards including 1.8 m (5.9 ft.)-wide concrete walks and saw-cut tolling joints where space permits;

- g. Provision of street trees around the site where space permits.

Note to Applicant: Tree species for Kingsway are to be Parrotia persica x "Vanessa" and for Broadway are Acer freemani x "Armstrong".

- 6. Provision, operation, and maintenance of shared vehicles and the provision and maintenance of parking spaces for use exclusively by such shared vehicles at the rate and on such terms as indicated below:
  - (i) shared vehicles and shared-vehicle spaces shall be provided at a rate of 1% of the total number of dwelling units;
  - (ii) shared vehicle spaces are to be included as part of the minimum parking requirement;
  - (iii) a professional shared vehicle organization is to manage the shared vehicles;
  - (iv) the registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under Section 219 of the Land Title Act of British Columbia, a statutory right-of-way, or other instrument satisfactory to the Director of Legal Services, providing that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development; and
  - (v) the provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.

- 7. Provision of adequate water service to meet the fire flow demands of the project.

Note to Applicant: The rezoning application lacks the details to determine if water main upgrading is required. Please provide project details including the projected fire flow demands as determined by a mechanical engineering consultant. If water system upgrading is required, 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 is required.

- 8. Provision of all 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, to be located on private property. 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 the development will require approval by the Utilities Management Branch. The applicant may be required to show

details of how the site will be serviced underground. The developer is responsible for 100% of the cost of the above.

### **Public Art**

9. Execute an agreement, satisfactory to the Director of Legal Services and the Managing Director of 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.

Note to Applicant: To discuss your public art application and options to fulfill the obligations, please call Bryan Newson, Public Art Program Manager at 604.871.6002. A checklist will be provided.

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

10. Pay to the City, prior to By-law enactment, the \$6,250,000 cash contribution which the developer has offered, to be allocated towards a fund for local serving amenities.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as 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 the Sign By-law to establish regulations for this CD-1 in accordance with Schedule E (assigned Schedule "B" [C-3A]), generally as set out in Appendix C of the Policy Report dated January 20, 2012, entitled "CD-1 Rezoning - 228-246 East Broadway and 180 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 Noise Control By-law to include this CD-1 in Schedule B, generally as presented in Appendix C of the Policy Report dated January 20, 2012, entitled "CD-1 Rezoning - 228-246 East Broadway and 180 Kingsway".
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the necessary amendments to the Parking By-law to include this CD-1 and to provide parking regulations, generally as presented in Appendix C of the Policy Report dated January 20, 2012, entitled "CD-1 Rezoning - 228-246 East Broadway and 180 Kingsway".

**(RZ - 228-246 East Broadway & 180 Kingsway)**