



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: July 9, 2013
Contact: Kent Munro
Contact No.: 604.873.7135
RTS No.: 10193
VanRIMS No.: 08-2000-20
Meeting Date: July 23, 2013

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)

RECOMMENDATION

- A. THAT the application by Matthew Cheng Architect Inc., on behalf of Pawa Holdings Ltd., to rezone 3058 Kingsway [PID 008-782-741; Lot 2 Block 16 District Lot 37 Plan 12817] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.65 to permit the development of a six storey mixed-use commercial and residential building with an increase in height from 13.8 m (45 ft.) to 18.73 m (61.5 ft.) with all 30 residential units secured as market rental housing, be referred to a Public Hearing, together with:
- (i) plans received July 13, 2012;
 - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) the recommendation of the General Manager of Planning and Development Services to approve the application, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD 1 By-law generally in accordance with Appendix A for consideration at the Public Hearing.

- B. THAT, if after public hearing Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By law for enactment prior to enactment of the CD-1 By-law contemplated by this report, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the Managing Director of Social Development.

- C. THAT, if the application is referred to a Public Hearing, 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 [assigning Schedule “B” (C-2)], generally as set out in Appendix C, be referred to the same Public Hearing;
- FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by law, generally as set out in Appendix C, for consideration at the Public Hearing.
- D. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;
- FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By law.
- 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 the 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 the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report evaluates an application to rezone 3058 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with commercial retail units at grade and 30 units of market rental housing on upper floors. In return for increased height and density, all proposed housing units would be secured under the Short Term Incentives for Rental Housing (STIR) Program as rental for 60 years or the life of the building, whichever is greater.

Staff have assessed the application and support the proposed uses and form of development, subject to design development and other conditions outlined in Appendix B. The application is consistent with Council’s STIR program and contributes to the City’s affordable housing goals identified in the Housing and Homelessness Strategy. Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning and Development Services to approve it, subject to the Public Hearing, along with the conditions of approval outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this site include:

- Final Report from the Mayor’s Task Force on Housing Affordability (2012)
- Short Term Incentives for Rental Housing (STIR) Program (2009)
- Housing and Homelessness Strategy (2011)
- Green Building Rezoning Policy (2010)
- Renfrew Collingwood Community Vision (2004)
- C-2 District Schedule (revised 2009) and associated guidelines (2003).

REPORT

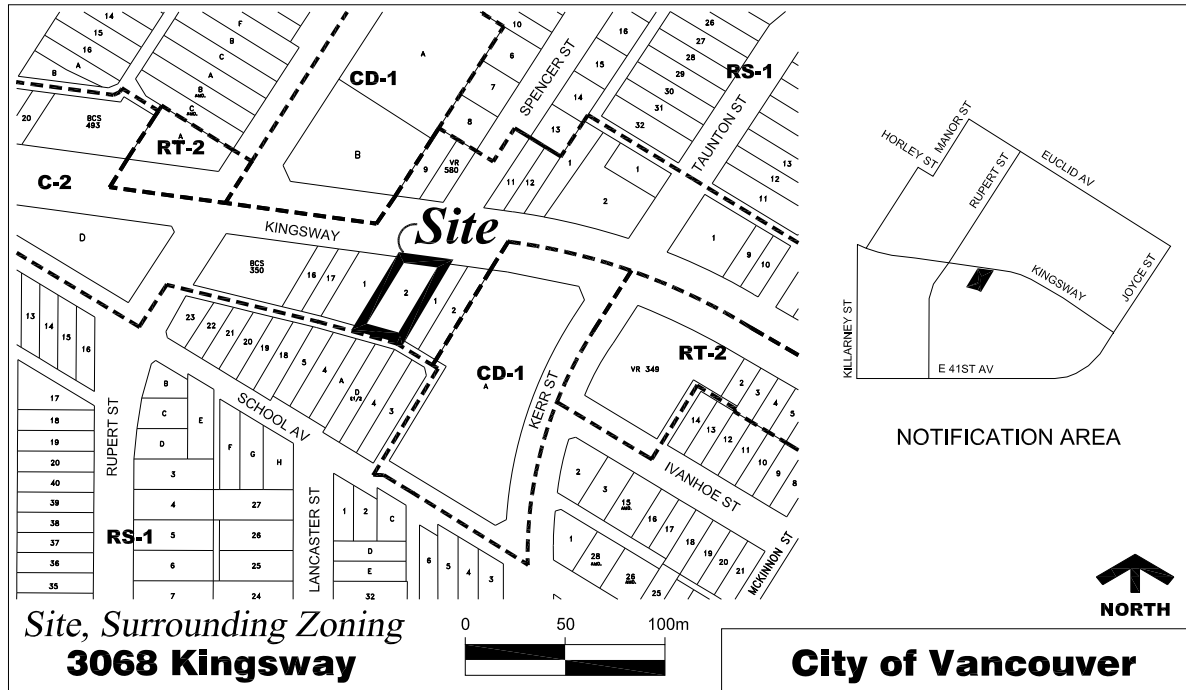
Background/Context

1. Site and Context

This 867 m² (9,331 sq. ft.) mid-block site is located on the south side of Kingsway between Rupert Street and Kerr Street (see Figure 1). The site has a frontage of 22 m (72.65 ft.) on Kingsway located at the western end of the Collingwood Shopping Area identified in the Renfrew Collingwood Community Vision.

Currently zoned C-2, the site is currently developed with a one-storey commercial building, in a block with one- to four-storey mixed use buildings. At the east end of the block on the corner of Kingsway and Kerr Street, the Synala Housing Co-op includes 40 non-market townhouse units. The properties immediately south are zoned RS-1 and are developed with detached houses. The site is well served by transit, with bus stops on Kingsway on the same block as the subject site, with a southbound bus stop on Rupert Street and bus routes three blocks to the south on 41st Avenue with connection to the Canada SkyTrain line and UBC in the west and the Expo SkyTrain line to the east.

Figure 1 – Site and surrounding zoning (including notification area)



2. Policy Context

Secured Market Rental Housing – On June 18, 2009, Council adopted the Short-Term Incentives for Rental Housing (STIR) program. STIR was a time-limited program to provide a strategic set of incentives to encourage and facilitate the development of new affordable rental housing throughout the City. This application was received prior to the December 15, 2011 deadline for applications under the STIR program.

Housing and Homelessness Strategy – On July 29, 2011, Council endorsed the Housing and Homelessness Strategy 2012-2021 which includes strategic directions to increase the supply of affordable housing and to encourage a housing mix across all neighbourhoods that enhances quality of life.

The 3-Year Action Plan 2012-2014 identifies priority actions to achieve some of the Strategy's goals. The priority actions consistent with this application are to refine and develop new zoning approaches, development tools and rental incentives to continue the achievement of secure purpose-built rental housing and to use financial and regulatory tools to encourage a variety of housing types and tenures that meet the needs of diverse households. This application proposes one- and two-bedroom unit types that would be secured as for-profit affordable rental housing.

The Final Report from the Mayor's Task Force on Housing Affordability, adopted by Council in October 2012, further endorsed the importance of incentivizing market rental housing through a focus on strategies to repair, renew and expand market rental stock across all neighbourhoods.

Existing C-2 Zoning – In accordance with the site’s existing C-2 zoning, land use along this portion of Kingsway is intended to provide for a wide range of commercial uses serving both local and citywide needs, in integrated mixed-use buildings. Building design that furthers compatibility among uses, ensures livability, limits impact on adjacent residential sites, and contributes to pedestrian interest and amenity is emphasized by the District Schedule and the associated urban design guidelines. Although this application proposes an increase in building height beyond that allowed by the existing C-2 zoning, the mixed-use form and the proposal for secured rental housing within this important local shopping area is considered to be in keeping with the land use intent for the area.

Renfrew Collingwood Community Vision – In March 2004, Council endorsed the Renfrew Collingwood Community Vision. Section 18 of the Community Vision recognizes the potential to create a “Collingwood” neighbourhood centre by joining Collingwood Village to the Kingsway shopping area with a variety of housing. The proposed development site falls within the Collingwood neighbourhood centre area. Direction 18.1 Neighbourhood Centres and Housing indicates that the community was supportive of considering additional housing in this area which was considered to be an attractive and more affordable housing option than detached houses.

Staff have concluded that this application is generally consistent with the City policies for affordable housing projects. If after the public hearing, Council approves this application in principle, the applicant will enter into a Housing Agreement securing all residential units as market rental housing for 60 years or the life of the building, whichever is greater, prior to the rezoning being enacted.

Strategic Analysis

3. Housing

Vancouver’s Housing and Homelessness Strategy strives to enhance access to and options for affordable housing in the city and it sets a number of near- and long-term rental housing targets. The STIR program has played a critical role in the achievement of those targets by helping to realize for-profit rental housing in strategic locations. Rental housing is inherently more affordable than home ownership and an objective of the STIR program was to increase the supply of the rental housing segment of the housing continuum. This application, if approved, would add 30 units to the City’s inventory of rental housing, which would be a contribution towards the stated near- and long-term targets (see Figure 2).

Figure 2 - Rental Housing Targets as set in the City's Housing and Homelessness Strategy (2011)

	TARGETS		CURRENT PROJECTS					GAP	
	Near-Term (2014)	Long-Term (2021)	Completed	Under Construction	Approved	In Progress ¹	Total	Above or Below 2014 Target	Above or Below 2021 Target
Secured Market Rental Housing Units	1,500	5,000	182	885	972	1,264	3,303	1,803 Above Target	1,697 Below Target

1. "In Progress" units are defined as those proposed in rezoning and development applications. This unit count is subject to change, as all proposed units may not proceed to approval, development and completion.

4. Land Use, Density and Height

This application proposes a six-storey mixed-use building containing 30 market rental dwelling units (21 one-bedroom and nine two-bedroom) above commercial retail at grade. While the proposed mix of uses adheres to the C-2 zoning, rezoning is required to allow two additional storeys beyond what would otherwise be permitted. An increase in permitted height of 5.1 m (16.5 ft.), from 13.8 m (45 ft.) to 18.73 m (61.5 ft.), and a corresponding increase in allowable density of 1.15 FSR from 2.50 to 3.65 FSR are proposed.

The increase in residential density is appropriate in this location, with its ready access to transit, services and amenities. Staff support the proposed use, density and height subject to design development conditions noted in Appendix B and described below.

5. Form of Development (see application drawings in Appendix E)

The application proposes a maximum vertical height of approximately 18.7 m (61.5 ft.) and six storeys, an increase of 5.1 m (16.5 ft.) above the permitted limit in the existing zoning. Due to its location on Kingsway, the building does not shadow any public green space or private rear yards during the standard shadow times of 10:00 am to 2:00 pm at the equinox. Shadows are limited to the roadway, and do not reach the north sidewalk at these times. There is not a consistent height established by existing buildings on this block that would be disrupted by a taller form, and the intensity of arterial vehicle traffic from the roadway suggests more height could be accommodated.

The front façade of the building is articulated with inset portions and a setback at the top floor facing Kingsway to moderate the visual impression of scale and the setback from the rear property line is substantially better than required by C-2 regulations, improving the relationship to detached housing to the south.

Staff have also considered the visual impact of this development as seen from the sides, and from up and down Kingsway. Currently the adjacent properties are developed with low, one- or two-storey buildings which are well set back from the street. Until both of these sites redevelop, the result would be relatively high exposed side walls, which were noted by the

Urban Design Panel as areas for further work. To mitigate the appearance of the sides, design development is recommended to improve the visual quality of these elevations and moderate the apparent height as seen from the sides (see Appendix B, conditions (b) 1 to 4).

This rezoning application was reviewed by the Urban Design Panel on two occasions, receiving support on June 30, 2010 on a design proposal that had been adjusted from the original application (see Appendix D for a summary). The Panel provided advice on a number of development issues, to which staff have responded in this report and which will be fully addressed at the development permit stage. Staff support the proposed form of development, subject to the recommended design development conditions contained in Appendix B of this report.

6. Transportation and Parking

The application proposes one loading bay and three commercial parking spaces at grade within the building and one level of underground parking providing 19 residential parking spaces all accessed from the lane. To meet the requirement for visitor parking, two residential spaces must be converted to visitor spaces. These provisions would meet the City's Parking By-law standards for a secured market rental development. Through the development permit stage, compliance with Parking By-law standards will be required to the satisfaction of the General Manager of Engineering Services.

7. Environmental Sustainability

At the date this application was made (December 17, 2009), Council's Rezoning Policy for Greener Buildings required that all rezonings meet a minimum equivalent of LEED® Silver, with a minimum of three optimize energy performance points, one water efficiency point and one stormwater point. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the Rezoning Policy, indicating that the project could attain the required LEED® points and, therefore, would be eligible for a LEED® Silver rating.

PUBLIC INPUT

Public Notification and Community Open House – A notification postcard was mailed to 741 surrounding property owners on January 10, 2013. In addition, rezoning information signs were installed on the site and an open house was held on January 24, 2013, with staff and the applicant team available to answer questions from approximately 17 people who attended. Notification and application information, as well as an online comment form, were provided on the City of Vancouver Rezoning Centre webpage.

Public Response Summary – In response to the January 2013 open house, nine people provided feedback on the application, by phone, email, or comment form (1 in favour / 7 opposed / 1 unsure). The majority of concerns expressed in regard to the application were related to proposed building height on private views and privacy as well as increased traffic and demand for on street parking. While the application does propose two additional storeys beyond what would otherwise have been permitted under the site's current C-2 zoning, the additional height is mitigated by the setback of the building from the residential neighbourhood across the lane to the south. Regarding traffic and parking, the traffic generated by the site is primarily related to the commercial retail use, which is permitted under the current zoning. As noted, the achievement of secured market rental housing along

an important community shopping corridor that is well served by transit is considered to be a broad public benefit for the community and the City.

PUBLIC BENEFITS

In response to City policies which address changes in land use, this application offers the following public benefits:

Required Public Benefits

Development Cost Levies (DCLs) – DCLs apply to all new construction and help pay for facilities made necessary by growth including parks, child care facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. This site is located in the Citywide DCL area where the current rate for new residential or commercial floor space is \$134.55 per m² (\$12.50 per sq. ft.). Based on the proposed commercial floor area of 326 m² (3,510 sq. ft.), a DCL payment of approximately \$43,875 would be anticipated should this rezoning application be approved and the development proceed. DCLs are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment which takes place on September 30th of each year.

Under the provisions of the STIR Policy, the applicant has requested that DCLs be waived for the residential (secured rental housing) component of this development. The DCL waiver for the residential component (2,840 m² (30,570 sq. ft.)) is estimated to be approximately \$382,125.

Offered Public Benefits

Rental Housing – The applicant has proposed that all of the residential units be secured as for-profit affordable rental housing (non-stratified) as per the STIR program. The public benefit accruing from these units is their contribution to the City's rental housing stock for the life of the building or 60 years, whichever is greater.

- **STIR program** – By encouraging the development of rental housing across the City, STIR program aligns with Council's priorities to encourage the continued building of strong, safe and inclusive communities that are sustainable, affordable, and environmentally sound. Rental housing provides a more affordable housing option for nearly half of Vancouver's population and, by stimulating the rental housing market, the STIR program was one of a number of City initiatives to sustain socially, economically and environmentally thriving communities. With the recent expiry of the STIR program, and following a review of the results of the program, Council adopted the Rental 100 Policy (Secured Market Rental Housing Policy). This policy continues to offer incentives for the development of for-profit affordable rental housing projects in which 100% of the residential floor space is rental tenure (i.e. not a mix of strata and rental).
- **STIR Incentives** – The policy provides various incentives to stimulate the development of for-profit affordable rental housing in the City. The incentives, which have continued under the Rental 100 program, represent a mixture of construction cost savings through regulatory relaxations and DCL waivers. The applicant is requesting an incentive package consisting of a DCL waiver on the rental housing units and increased density. The floor space proposed for the rental housing is 2,840 m² (30,570 sq. ft.) and this application is

proposing that those DCLs would be waived. The DCL waiver for these affordable rental units is estimated to be approximately \$382,125.

- **Affordability** – The main focus of the STIR program (and now Rental 100) has been to increase the supply of rental housing that is affordable to households seeking rental housing in the regular housing market as an alternative to home ownership. Affordability is achieved through modesty in unit size, finishing and design considerations. Staff have reviewed the applicant’s development proforma and conclude that the STIR incentives, if granted, result in no undue profit. This application includes one-bedroom and two-bedroom apartments, which the applicant estimates will rent for an average of \$1,275 to for a one-bedroom unit and \$1,700 for a two-bedroom unit.

A key goal of STIR program was to create housing that is affordable to households that cannot afford home ownership. Staff have compared the anticipated monthly rents in this proposal to the average monthly costs for newer rental units in the City and to the estimated monthly costs to own similar units in East Vancouver, using 2012 Multiple Listing Service data.

Existing market rental stock in this neighbourhood is typically located in significantly older buildings or secondary (basement) suites within detached homes. Therefore, a direct comparison of the rents, particularly for two-bedroom units, does not provide an accurate point of reference as this application will provide a higher quality of product than what currently exists in this area. When compared to average rents in newer buildings City-wide, the proposed rents are substantially lower. In terms of the comparison to home ownership costs, the proposed rents in this application will provide an affordable alternative to homeownership, particularly for the larger units.

Figure 3 compares rents proposed for units in the proposal at 3068 Kingsway to average and estimated costs for similar units.

Figure 3: Comparable Average Market Rents and Home-Ownership Costs

Unit Type	3068 Kingsway Proposed Rents	Average Market Rent in Newer Buildings City-wide (CMHC)	Average Market Rent - Southeast Vancouver	Monthly Costs of Ownership for Median-Priced Unit East Side (MLS 2012) ¹
1-Bed	\$1,275	\$1,517	\$930	\$1,933
2-Bed	\$1,700	\$2,061	\$1,260	\$2,562

1. Monthly ownership costs are based on the following assumptions: average of all MLS strata sales prices on the East Side in 2012 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150-250 monthly strata fees, and annual property taxes at \$4.05 per \$1000 of assessed value.

The City Manager, pursuant to the Vancouver Development Cost Levy By-law, has determined that the rental housing proposed in this application is affordable in the context of the STIR program incentives. Further review of the finishing, unit size and design features in this development, in comparison with industry standards of construction, would occur at the development permit stage to ensure that the affordable rental units are of basic quality construction. The DCL on the affordable rental housing floor area is waived at issuance of building permit, when DCLs are payable.

If this rezoning application is approved, the rental housing would be secured through a Housing Agreement with the City, and would be subject to the conditions noted in Appendix B.

Community Amenity Contributions (CACs) – In the context of Financing Growth Policy, the City anticipates the offer of a community amenity contribution (CAC) from the owner of a rezoning site to address the impacts of rezoning. Contributions are negotiated and evaluated by staff in light of the increase in land value expected to result from rezoning approval. Real Estate Services staff have reviewed the applicant’s development proforma and concluded that, after factoring in the costs associated with the provision of market rental housing units, there will be no increase in the land value generated by the rezoning (i.e. the additional density improves the economic viability of the rental housing but does not result in undue profit).

Financial Implications

As noted under the section on Public Benefits, there are no CACs associated with this rezoning. The site is subject to the City-wide DCLs and it is anticipated that the commercial component of the project will generate approximately \$43,875 in DCLs. The residential component of the project qualifies for DCL waiver under the STIR program; the value of the waiver is estimated to be approximately \$382,125.

The rental housing, secured via a Housing Agreement for the life of the building or 60 years, whichever is greater, will be privately owned and operated.

CONCLUSION

Staff have reviewed the application to rezone the property at 3058 Kingsway from C-2 to CD-1 to allow an increase in density and height, to support the development of a mixed-use building with market rental housing and conclude that along with making a significant contribution to the achievement of key affordable housing goals of the City, the form of development represents an acceptable urban design response to the site and context and is therefore supportable. The General Manager of Planning and Development Services recommends that the rezoning application be referred to a Public Hearing, together with a draft CD-1 By-law generally as set out in Appendix A. Further that, subject to the public hearing, the application including the form of development, as shown in the plans in Appendix E, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

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3068 Kingsway
DRAFT CD-1 BY-LAW PROVISIONS

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-() attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to Public Hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ().
- 2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Cultural and Recreational Uses, limited to Arcade, Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Museum or Archives;
 - (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law except that no portion of the first storey of a building to a depth of 10.7 m from the north wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion;
 - (c) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
 - (d) Manufacturing Uses, limited to Jewellery Manufacturing and Printing and Publishing;
 - (e) Office Uses;

- (f) Retail Uses, limited to Adult Retail Store, Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;
- (g) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Laboratory, Print Shop, Repair Shop - Class A, Repair Shop Class - B, Restaurant - Class 1, Restaurant - Class 2, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, and Wedding Chapel;
- (h) Utility and Communication Uses, limited to Public Utility or Radiocommunication Station; and
- (i) Accessory uses customarily ancillary to the uses permitted in this Section 2.2.

Floor Area and Density

- 3.1 Computation of floor space ratio must assume that the site consists of 866.9 m², being the site size at the time of the application for the rezoning evidenced by this By-law.
- 3.2 Floor space ratio for all uses must not exceed 3.65.
- 3.3 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.
- 3.4 Computation of floor area must exclude:
 - (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8% of the residential floor area being provided;
 - (b) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusion does not exceed 8% of the residential floor area being provided; and
 - (ii) no more than 50% of the excluded balcony floor area may be enclosed;
 - (c) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
 - (d) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment or uses which in the opinion of the Director of Planning are similar to the

foregoing, those floors or portions thereof so used which are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length m;

- (e) amenity areas, including child day care facilities, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10 % of the total permitted floor area, provided that for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood; and
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

3.5 The use of floor area excluded under section 3.4 must not include any purpose other than that which justified the exclusion.

Building Height

4.1 Building height, measured from base surface, must not exceed 18.73 m.

Horizontal Angle of Daylight

- 5.1 Each habitable room must have at least one window on an exterior wall of a building.
- 5.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.
- 5.4 If:
 - (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of the unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

5.5 An obstruction referred to in section 5.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any site adjoining CD-1 ().

- 5.6 A habitable room referred to in section 5.1 does not include:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

Acoustics

6. A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

3068 Kingsway
PROPOSED CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

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 Matthew Cheng Architect Inc. and stamped "Received City Planning Department, July 13, 2012", subject to the following conditions, provided that the General Manager of Planning and Development Services 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 General Manager of Planning and Development Services, who shall have particular regard to the following:

Design Development

- 1. Design development to the exposed side walls to improve their appearance from the public realm.

Note to Applicant: This can be accomplished by the following changes.

- (a) Revision of the composition to better align changes in material with changes in the wall plane;
- (b) Provision of reflected outlines of the adjacent buildings on the elevation drawings;
- (c) Removal of concrete block from areas visible from the street, which can be accomplished by continuing the brick veneer from the east and west elevations further down the side walls at grade; and
- (d) Reduction in the number of different cladding materials to a maximum of three.

The vertical panel of brick on the left of the east elevation should be extended to match the other panels in width. See also Condition 3.

- 2. Design development to the top floor to reduce the visual scale of the side walls and avoid a truncated roof edge.

Note to Applicant: This can be accomplished by stepping the top floor back from the side property line by eight feet.

3. Design development of architectural expression of elevations visible from the public realm to use high quality durable materials and refined details.

Note to Applicant: The extent of brick in this revised application is recognized as assisting in the above condition. Consideration should be given to increasing its extent.

4. Examination of the feasibility of relocating the elevator to the west.

Note to Applicant: Intent is to avoid extending the sidewall higher than necessary and to offer residents a direct route to the stairway, rather than the elevator. Consideration should also be given to improving the stairwell with glazing to add natural light. Limited amounts of glazing on the side wall may be possible if appropriately designed to meet the building code, and would help add variety to the interior side wall. A skylight at the top of the stairs in combination with a 12 to 18 inch opening between flights of stairs would also improve the attractiveness of the stair for users. Where feasible in the opinion of the Director of Planning, these changes should be made.

5. Provision of more planted areas facing the lane to green the rear elevation.

Note to Applicant: This can be accomplished by lowering the upper deck planter to be closer to the lane where higher ceilings are not required for loading. This would also reduce the scale of this wall relative to neighbours across the lane.

6. Design development to mitigate direct overlook from upper floors to nearby residential neighbours.

Note to Applicant: This can be accomplished with the use of translucent glazing to a 36 inch height at the balcony guard rail and windows, or similar measures.

7. Provision of an enclosure for all service and access areas at the lane, to deter unintended access and mischief, and notation of anti-vandal coating on accessible walls.

Note to Applicant: Enclosure should be of rigid metal pickets, rather than chain link or similar materials. The parkade gate should be close to the property line.

8. Provision of enlarged drawings showing lighting design that avoids glare to neighbouring properties.

Note to Applicant: Full cutoff fixtures and down lights should be specified.

9. Consideration to provide rectangular balconies on levels two to five, consistent with the orthogonal layout of the residential levels noted in the design rationale.

Note to Applicant: The depth of the balcony should be reduced to improve access to daylight.

10. Provision of high quality materials for exterior surfaces.
11. Design development to provide required visitor parking spaces;

Note to Applicant: this can be achieved by reassigning two residential parking spaces as visitor parking spaces.

Crime Prevention Through Environmental Design (CPTED)

12. Design development to respond to CPTED principles, having particular regard for:
 - (a) Theft and security in the parking area;
 - (b) Break and enter; and
 - (c) Mischief and vandalism, such as graffiti.

Landscape Design

13. Provision of adequate soil depths for planting trees on slabs.
14. Provision of new street trees on Kingsway to the satisfaction of the General Manager of Engineering Services, and to be confirmed prior to issuance of the Building permit.

Note to Applicant: Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan: "Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".

Sustainability

15. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Silver, including a minimum of 36 points in the LEED® rating system, three optimize energy performance points, one water efficiency point and one storm water point.

Note to Applicant: Provide a LEED® checklist confirming the above and a detailed written description of how the above-noted points have been achieved with reference to specific building features in the development, and notation of the features on the plans and elevations. The checklist and description should be incorporated into the drawing set.

Engineering

16. Arrangements shall be made, to the satisfaction of the General Manager of Engineering Services and Director of Legal Services, for the canopy encroachment over City property.

Note to Applicant: Canopies must be fully demountable and meet the requirements of the Vancouver Building By-law No. 9419. Submission of a canopy application to Engineering is required.

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 and Development Services, the General Manager of Engineering Services, the Managing Director of Social Development 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 536743M (crossing agreement). (A letter of commitment prior to enactment and discharge of the agreement prior to occupancy will be required).
3. 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 are 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 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.
4. 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.

Housing

5. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services, to secure all residential units as for-profit affordable rental housing units pursuant to the City's Short Term Incentives for Rental Housing (STIR) Program for 60 years or life of the building, whichever is greater, subject to a no separate-sales covenant and a non-stratification covenant, and subject to all such units being made available as rental housing for a term not less than one month at a time, and on such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may require.

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

Soils

6. If applicable:
 - (a) Submit a site profile to the Environmental Protection Branch (EPB);
 - (b) As required by the Manager of Environmental Protection 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
 - (c) 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, City Engineer 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(s) 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: 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.

* * * * *

3068 Kingsway
DRAFT CONSEQUENTIAL AMENDMENTS

SIGN BY-LAW NO. 6510

Amend Schedule E (Comprehensive Development Areas) by adding the following:

“3068 Kingsway [CD-1#] [By-law #] B (C-2)”

NOISE BY-LAW NO. 6555

Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1 #] [By-law #] 3068 Kingsway”

* * * * *

3068 Kingsway
ADDITIONAL INFORMATION / COMMENTARY OF REVIEWING BODIES

Comments - General Manager of Engineering Services: The General Manager of Engineering Services has no objection to the proposed rezoning, provided that the arrangements and conditions as shown in Appendix B are satisfactorily concluded.

URBAN DESIGN PANEL

The UDP reviewed this rezoning application on the following dates:

- On March 24, 2010, the original application was not supported (1-6).
- On June 30, 2010, a revised application was supported (7-0).

UDP (March 24, 2010) – Evaluation: Non-Support (1-6)

Introduction: Grant Miller, Rezoning Planner, introduced the proposal for a concurrent rezoning and development permit application for a C-2 site with approximately 72 feet of frontage on Kingsway east of Rupert Street to allow the development of a six-storey mixed use building with commercial at grade and guaranteed market rental residential units above. The site falls within the Victoria Fraserview Killarney Vision Area and specially the Kingsway/Joyce (Collingwood) Neighbourhood Centre Area. Further, the application was made under the Short Term Incentives for Rental Program (S.T.I.R.). The site is at the western end of the 12 block section of Kingsway centred on the Safeway at Tynne Street (from Rupert to Boundary) identified with the surrounding area as the Neighbourhood Centre, and is a low priority for future planning. The Vision provides no specific direction regarding small mixed use developments in this area.

The STIR program, which was adopted in June 2009, provides incentives for the private development of guaranteed rental units. These incentives include: DCL waiver for rental units, parking requirement reduction and additional density consistent with policy and attention to urban design.

Sailen Black, Development Planner, described the proposed design. He noted that there is C-2 commercial on both sides of the site. The application is for a 30 unit apartment building with about 3,531 square feet of commercial space. The proposed density is 3.42 FSR which is about 37% more than the 2.5 FSR normally permitted for mixed-use in the C-2 District Schedule. The design presents a highly variegated form on the front elevation, including angles in plan, steps in the floor plate and different wall patterns. In contrast, lot line walls and inset side walls are relatively simple in pattern.

Advice from the Panel on this application is sought on the following:

- Commentary on the overall architectural and landscape design;
- Given the variety of different materials and forms demonstrated, what would the Panel recommend as the optimal combination for this particular context and site size;
- Given the adjacency to single-family dwellings, whether the Panel feels the design is sufficiently neighbourly.

Mr. Miller and Mr. Black took questions from the Panel.

Applicant's Introductory Comments: Mathew Cheng, Architect, further described the proposal noting that it was a challenging project as there isn't much in the way of guidelines from the City regarding the program. The building has been designed to line up the commercial with Kingsway while the residential portion of the building is perpendicular. The building will be four storeys with a two storey form on top.

Bryan Marthaler, Landscape Architect, noted that there are currently two streets that will be protected. The private outdoor spaces are planned for urban agriculture. Drought tolerant plants will be planted with edible fruit.

The applicant team took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Consider overall simplification including potential elimination of the fourth floor setback at the Kingsway side, simplifying the window pattern and material palette;
- Increase the distinction of the residential entry on Kingsway;
- Design development to enhance the overall quality of the lane elevation including consideration of creating a larger upper floor setback.

Related Commentary: The Panel did not support the proposal and thought a more simple approach to the design was needed.

The Panel recognized that it was a difficult task to deal with the strange site iteration and the narrowness of the site. Also the Panel said that when the 6-storey wood frame buildings were first approved the Panel thought there would be some different topologies but that hasn't happened. Several Panel members thought the setback for the two storeys was not working for the project and suggested simplifying the massing as well as the material palette. On the Kingsway elevation, the lower two thirds of the project seemed much stronger and as well the retail level was distinctive. A couple of Panel members suggested simplifying the window patterns and thought there didn't need to be a big distinction between the penthouse suites and the rest of the building. Also, they thought the top levels needed to relate to the lower levels.

Several Panel members suggested the back façade be considered in relation to the single family dwelling across the lane. One Panel member noted that some of the decks on the top floor were off bedrooms that had no windows and thought they should be relocated.

The Panel thought the residential entry on Kingsway needed some design development to make it a clear expression as the entry. One Panel member suggested pulling back the CRUs to announce the entry. Several Panel members suggested allowing the store owners to use their imagination for the signage to make a more interesting frontage.

One Panel member noted that the landscape was well done on the three suites on the podium level. Another Panel member thought there needed to be more greenery on the podium level and also thought there might be some problems with having trees in pots.

Applicant's Response: Mr. Cheng thanked the Panel for their comments.

UDP (June 30, 2010) – Evaluation: Support (7-0)

Introduction: Sailen Black, Development Planner, introduced the proposal for a 6-storey building just east of Rupert Street on Kingsway. He noted the context for the area which includes the Synala Housing Co-op to the east. The proposal is for a 30 unit apartment building. He noted that the previous design presented a variegated form on the front elevation, including angles and different wall patterns. In contrast, the design now has lot line walls and inset side walls that are comparatively simple and the rear wall is essentially flat. Mr. Black described the key aspect needing improvement from the previous review by the Panel regarding a more forthright expression of height facing Kingsway.

Advice from the Panel on this application is sought on the following:

- Panel commentary on the overall architectural and landscape design;
- Comment on the angled roof line proposed at 6th floor facing Kingsway;
- Has the revised design responded to previous Panel comments?

Mr. Black took questions from the Panel.

Applicant's Introductory Comments: Matthew Cheng, Architect, noted that there were a couple of discrepancies between the drawings and the model. The two volumes are stepped back on the 5th floor and as well he described the location of the brick and concrete on the elevations. He also noted that the roof line could be improved. Mr. Cheng said his struggle is with the blank wall because it might be there for a while before any development takes place on the adjacent site. He plans to bring the brick around the corner to articulate the side wall and as well he also plans to use hardy panel on the remaining portion of the wall.

Bryan Marthaler, Landscape Architect, noted that the previous review was positive and so there aren't any changes to the landscaping. They are trying to adapt Vancouver's urban agriculture guidelines to bring in a lot of edible plants and as well include some private garden space. They will be preserving the two existing street trees and adding some decorative exposed aggregate paving with concrete banding for the sidewalk.

The applicant team took questions from the Panel.

Panel's Consensus on Key Aspects Needing Improvement:

- Consider a brighter colour palette;
- Design development to the diagonal roof overhang to increase the visual impact;
- Consider enhancing the residential entry;
- Consider reflecting the Kingsway geometry in building components including the possibility of doing this for the entire sixth floor.

Related Commentary: The Panel supported the proposal and said they appreciated the applicant taking the Panel's comments into consideration. They supported the density and height.

The Panel supported the simpler expression and the massing noting that it wasn't easy to design a building for an area that isn't fully developed. A couple of Panel members suggested the applicant take into consideration the final form of development for the street. They noted that some consideration also needs to be given to the side walls as they will be visible for some time.

A couple of Panel members noted the roof line and thought it was interesting as it gives a uniform line although a several Panel members weren't sure that the angled roof was the way to go and seemed unresolved. They also thought that decreasing the serrated edge on the top level would enhance the façade. There was some concern that the overhang looked bulky and didn't complete the corners.

A couple of Panel members noted that the previous window design was more traditional. They also found the colour scheme to be a bit heavy and needed to be more striking. A couple of Panel members noted that the residential entry was similar to the other doors and needed to have something that made it more special and inviting.

A couple of Panel members would like to see the retail defer to the overall geometry of Kingsway with one Panel member suggesting the use of commercial canopies.

The Panel supported the plans for the landscaping.

Applicant's Response: Mr. Cheng thanked the Panel for their comments noting that they were trying to design a humble building.

PUBLIC CONSULTATION SUMMARY

Public Notification – A rezoning information sign was installed on the site, notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps). A Community Open House was held on January 24, 2013 at Collingwood Neighbourhood House. A notification postcard, dated January 10, 2013, was mailed to 741 surrounding property owners.

Public Responses and Comments – Staff, the applicant team, and a total of approximately 17 people attended the January 24, 2013 Open House. In response to the open house, two comment sheets were submitted (both opposed). In addition, the City received 7 e-mails and one online comment forms (1 in support/ 6 opposed).

Comments in Support of Application:

- This stretch of Kingsway needs to be more urban. This is the right building form.

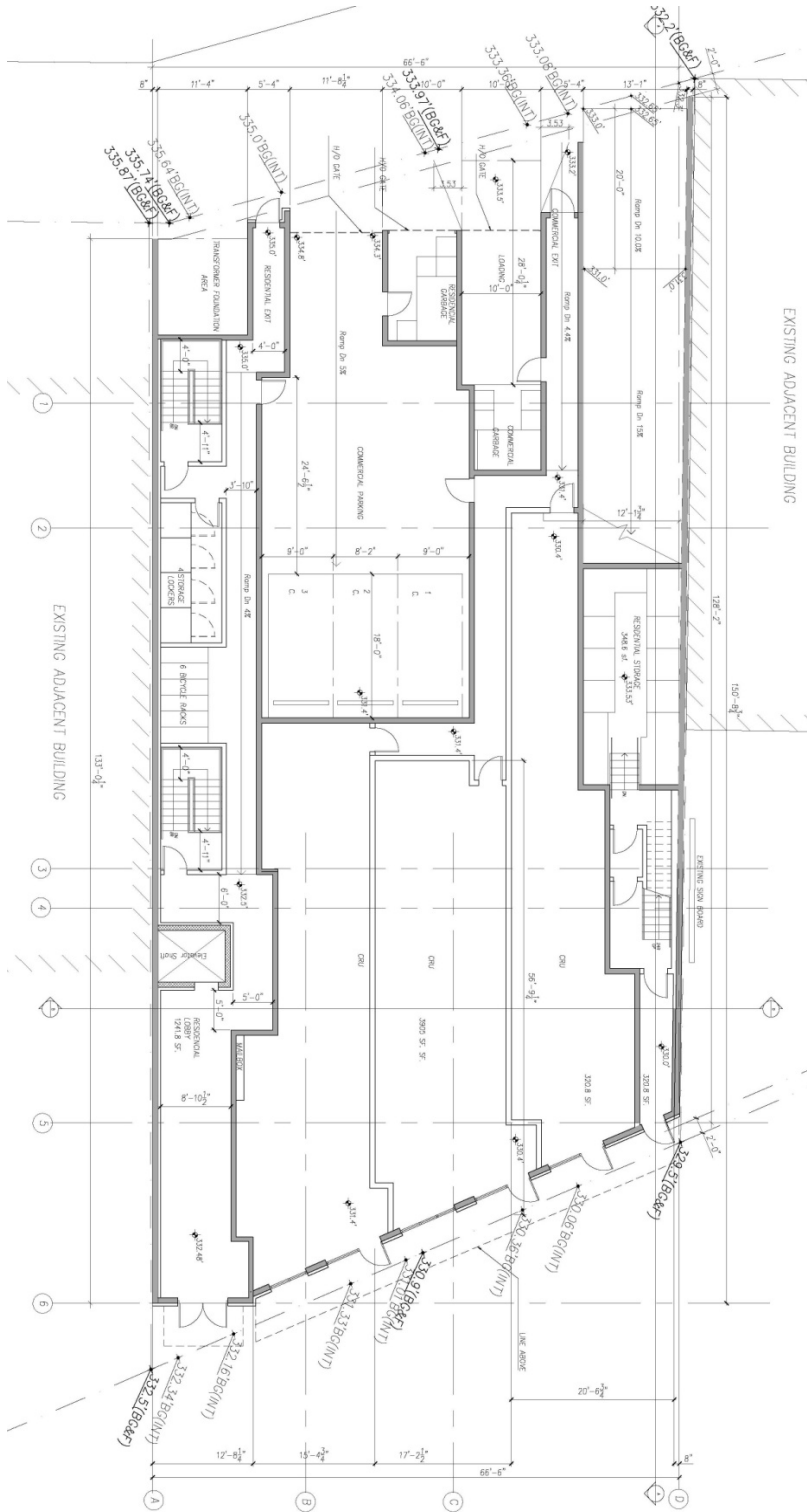
Comments Opposed to Application:

- Height disrupts the Collingwood streetscape.
- Location is near few services.
- It will ruin the view that I grew up with.

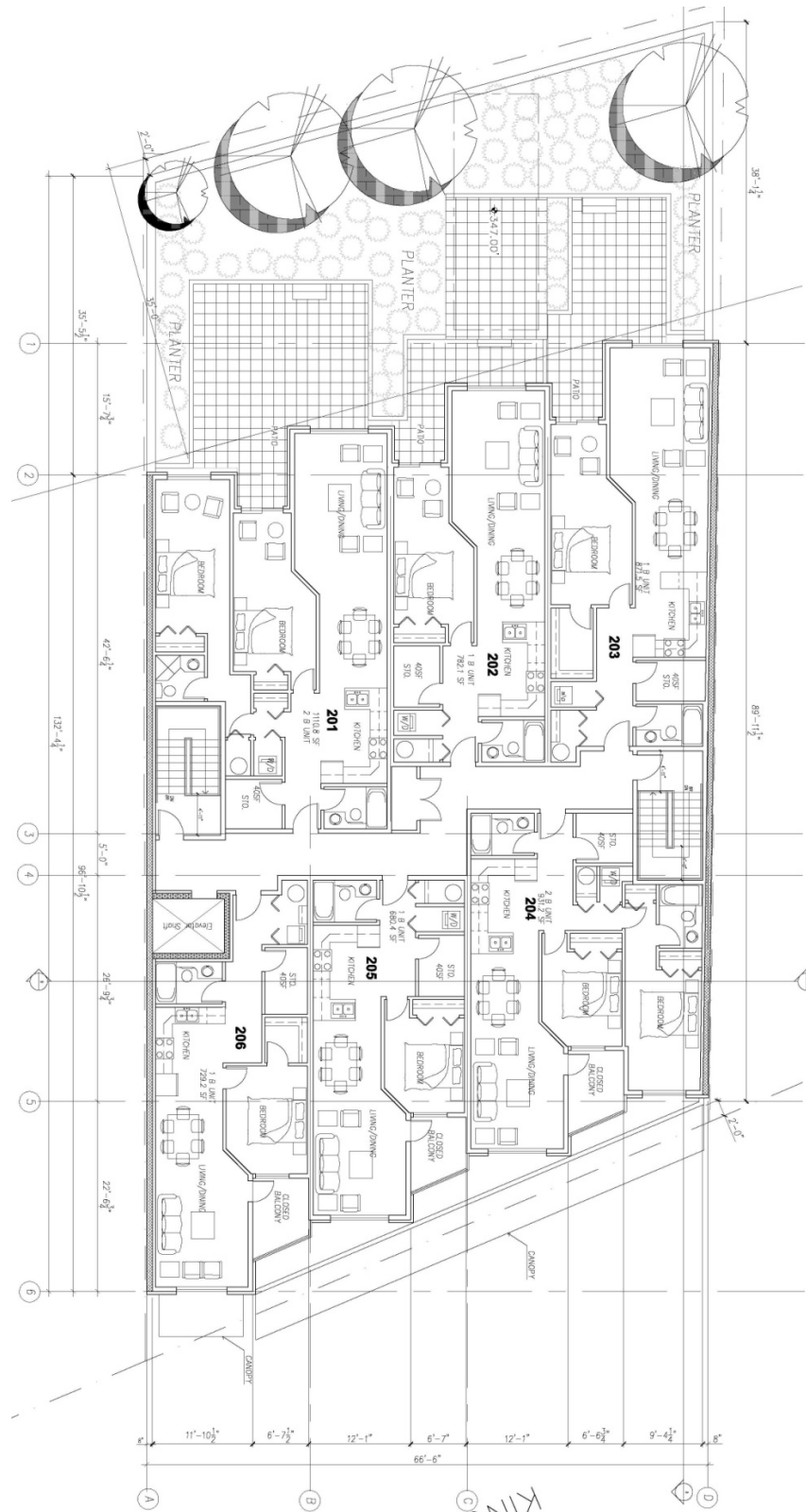
- At 6 floors, anybody in the building would be able to look into any one of the houses on the block behind it.
- Would bring more traffic into the neighbourhood
- It will consume more street parking space which is already not enough in Kingsway.

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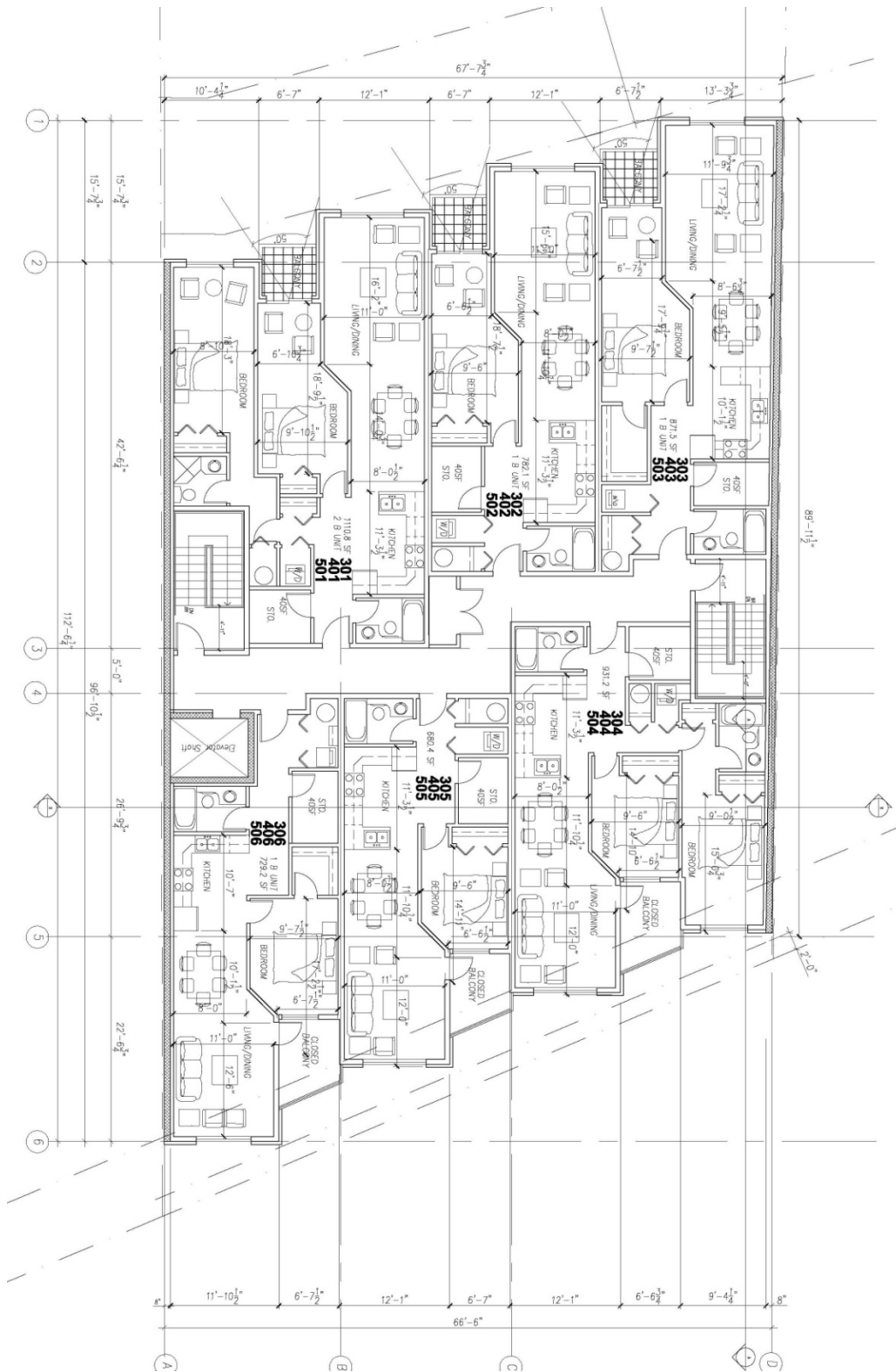
3068 Kingsway FORM OF DEVELOPMENT



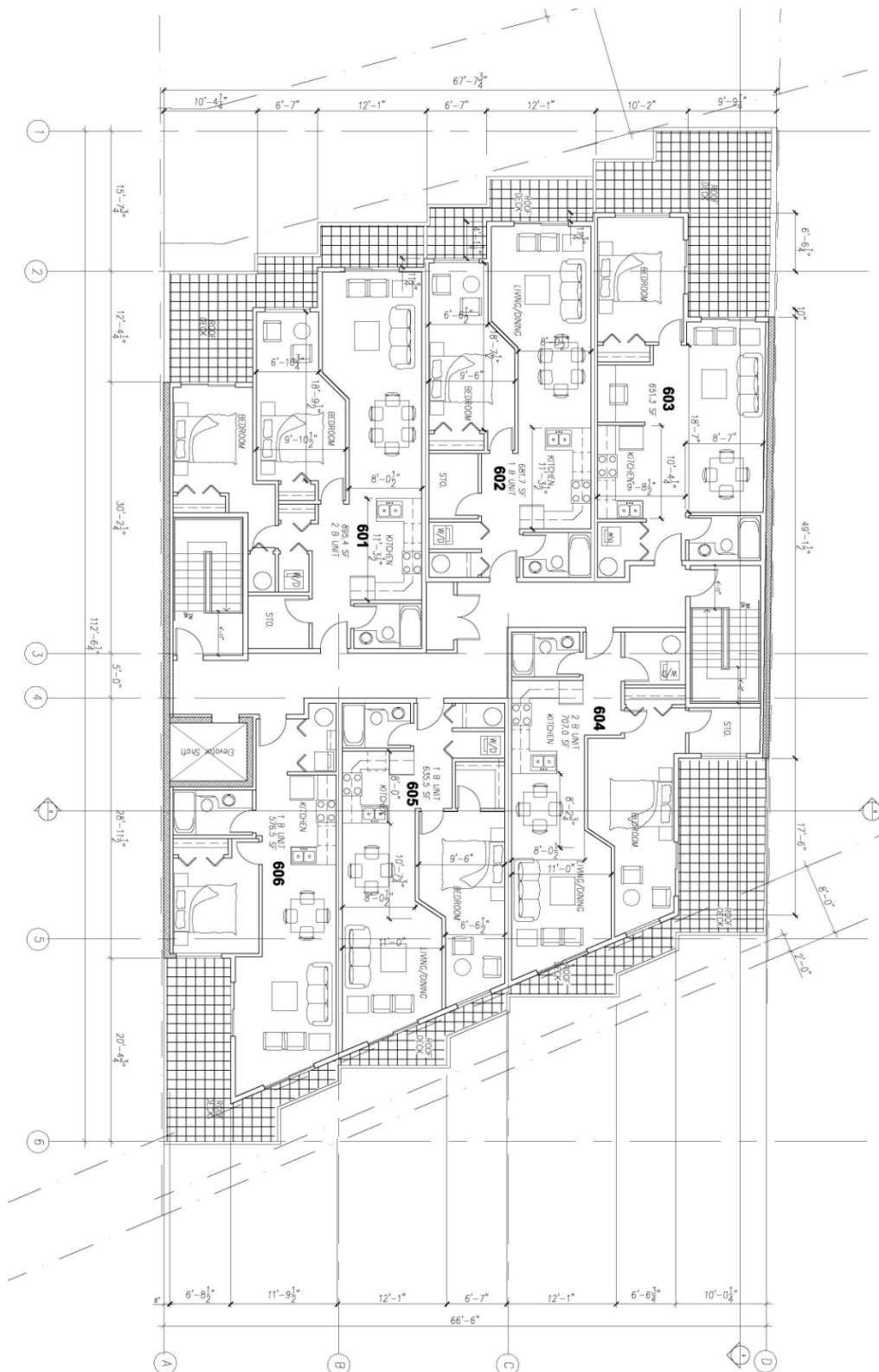
Ground Floor Plan



Second Floor Plan



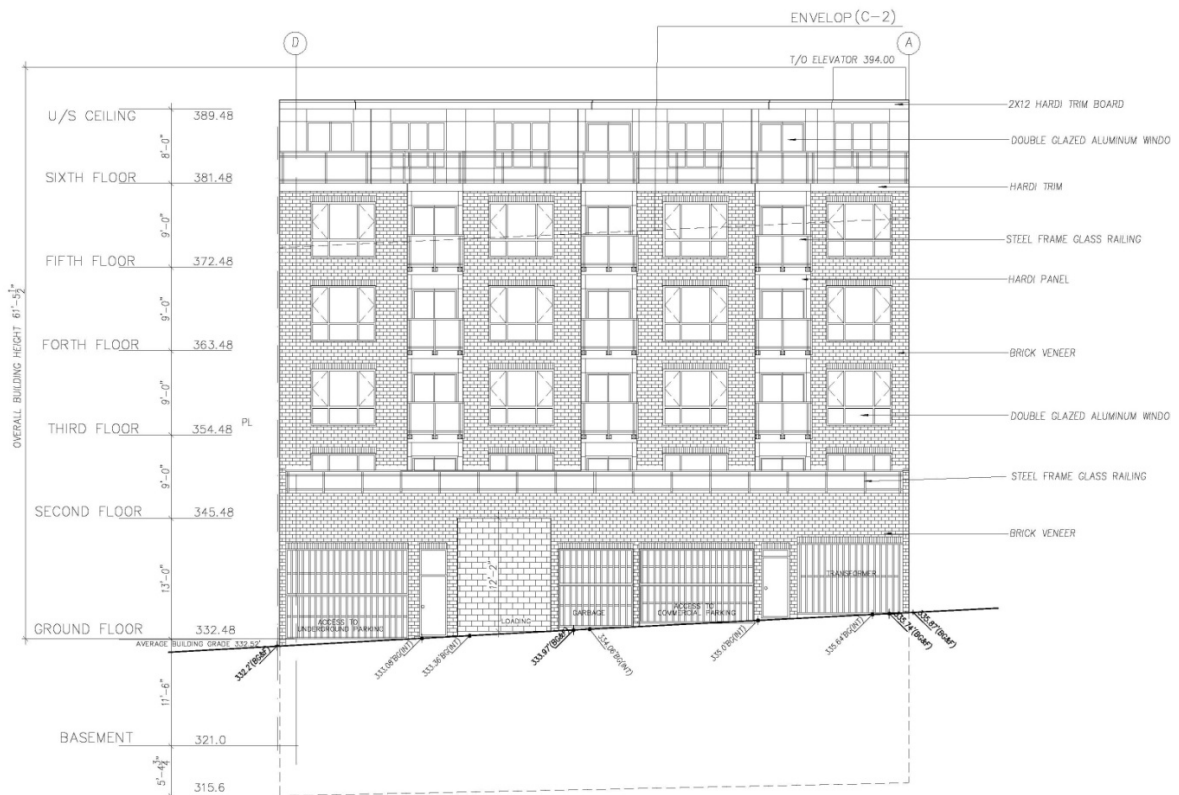
Third to Fifth Floor Plan



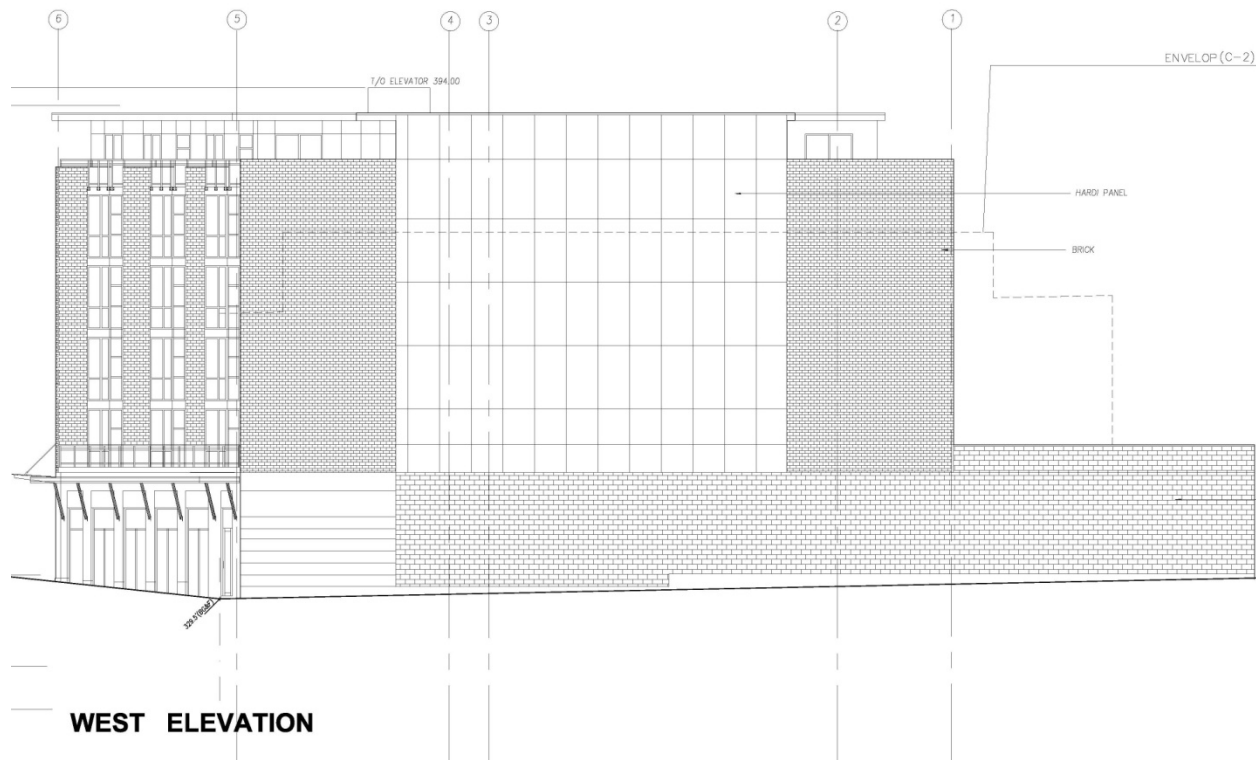
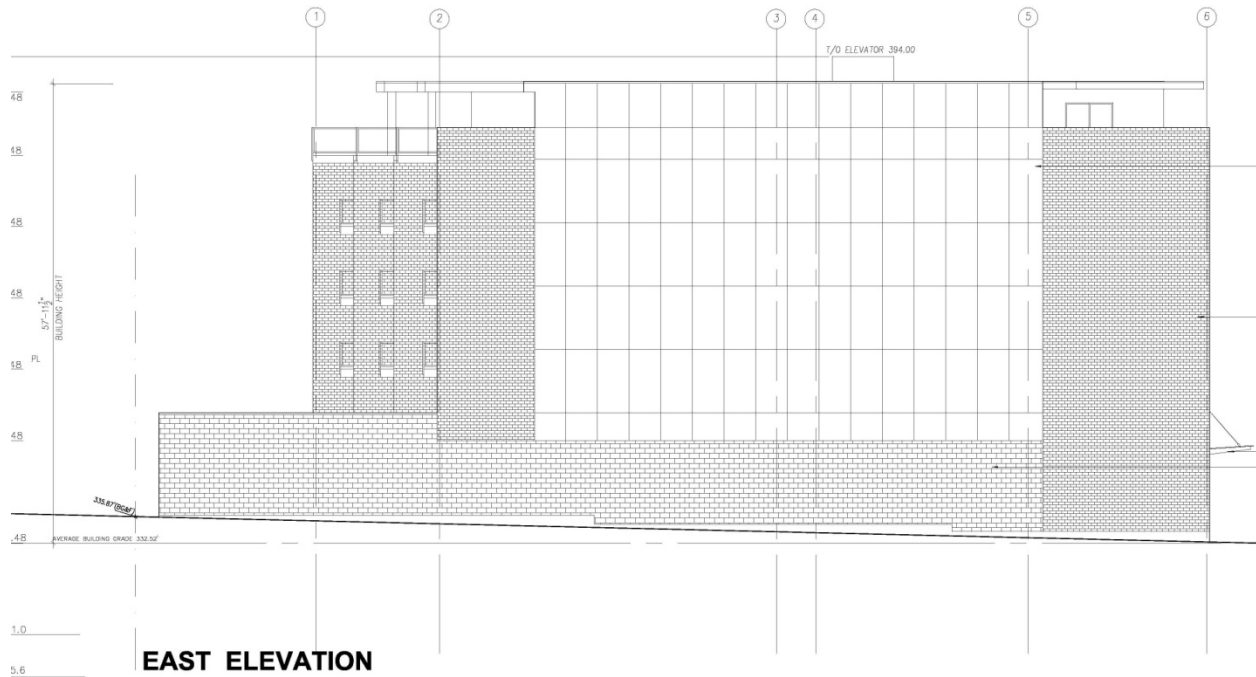
Sixth Floor Plan



NORTH ELEVATION (KINGSWAY)



SOUTH ELEVATION (LANE)



3068 Kingsway
PUBLIC BENEFITS SUMMARY

Project Summary:

Mixed-use development with at-grade commercial and six storeys of market rental housing.

Public Benefit Summary:

Thirty dwelling units secured as for-profit affordable rental housing for 60 years or life of building.

	Current Zoning	Proposed Zoning
Zoning District	C-2	CD-1
FSR (site area = 9,331 sq. ft. / 867.3 m ²)	2.5	3.65
Buildable Floor Space (sq. ft.)	23,328 sq. ft.	34,058 sq. ft.
Land Use	Commercial/Residential	Commercial/Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)	\$291,600	\$43,875
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage		
	Housing		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$291,600	\$43,875

Other Benefits

30 units of for-profit affordable rental housing secured for 60 years or the life of the building, whichever is greater.

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Parks (41%); Replacement Housing (32%); Transportation (22%); and Childcare (5%). Revenue allocations differ for each of the Area Specific DCL Districts.

3068 Kingsway
APPLICANT AND PROPERTY INFORMATION

Street Address	3068 Kingsway (formerly 3058 Kingsway)
Legal Description	Lot 2 Block 16 District Lot 37 Plan 12817; PID 008-782-741
Applicant/Architect	Matthew Cheng Architect Inc.
Property Owner	Pawa Holdings Ltd.
Developer	Pawa Holdings Ltd.

SITE STATISTICS

SITE AREA	867.3 m ² (9331 sq. ft.)
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED (if different the proposed)
ZONING	C-2 (Commercial)	CD-1	
MAX. FLOOR SPACE RATIO	2.50 FSR	3.65 FSR	
MAXIMUM HEIGHT	13.8 m	18.7 m	
COMMERCIAL FLOOR AREA		326 m ²	
RESIDENTIAL FLOOR AREA		30,570 m ²	
PARKING		Commercial: 3 Residential: 19 Visitor: 0 Total: 22	Commercial: 3 Residential: 17 Visitor: 2 Total: 22
LOADING		1 Commercial Class B	