



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: September 10, 2013  
Contact: Kent Munro  
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VanRIMS No.: 08-2000-20  
Meeting Date: September 24, 2013

TO: Vancouver City Council  
FROM: General Manager of Planning and Development Services  
SUBJECT: CD-1 Rezoning: 1526-1560 Kingsway

**RECOMMENDATION**

A. THAT the application by GBL Architects Group Inc., on behalf of John & May Wong Holdings Ltd. and Allan & Sylvia Wong Holdings Ltd., to rezone 1526-1560 Kingsway [*Lots A, B, C, D, E, F and G, except part in Reference Plan 2394 of Lots 19 and 20 Block 5 District Lot 352 Plan 3082; PIDs: 003-239-012, 003-239-071, 003-239-144, 003-239-179, 003-239-713, 013-190-903 and 013-190-946 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.85 and the building height from 13.8 m (45.3 ft.) to 23.6 m (77.5 ft.) to permit the development of a six-storey mixed-use development containing commercial space at grade and market rental units on upper levels, be referred to a Public Hearing, together with:

- (i) plans received June 19, 2013;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A;
- (iii) the recommendation of the General Manager of Planning and Development Services to approve, 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 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 A, 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 the subject site from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building containing 77 units of market rental housing with commercial retail use at grade. This application proposes a maximum floor space ratio (FSR) of 3.85 and a maximum building height of 23.6 m (77.5 ft.). The application is consistent with Council's Secured Market Rental Housing Policy (Rental 100) and contributes to the City's affordable housing goals identified in the Housing and Homelessness Strategy. Staff have assessed the application and support the uses and form of development, subject to design development and other conditions outlined in Appendix B. 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 and subject to the conditions contained in Appendix B.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

Relevant Council policies for this site include:

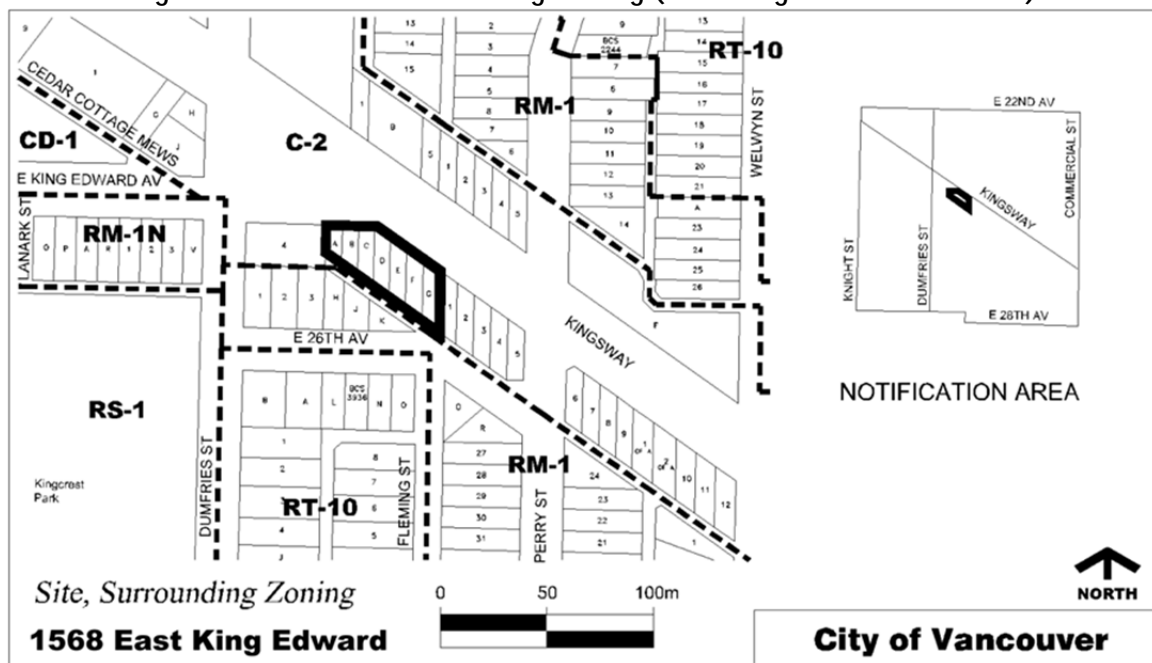
- Final Report from the Mayor's Task Force on Housing Affordability (2012)
- Secured Market Rental Housing Policy - "Rental 100" (2012)

- Housing and Homelessness Strategy (2011)
- Kensington-Cedar Cottage Community Vision (1998)
- Green Building Rezoning Policy (2010)
- C-2 District Schedule and Guidelines
- High-Density Housing for Families with Children Guidelines (1992)
- Urban Agriculture Guidelines for the Private Realm (2009).

## REPORT

### Background/Context

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



#### 1. Site and Context

This 1,357 m<sup>2</sup> (14,610.4 sq. ft.) site is situated along the south side of Kingsway where it meets King Edward Avenue. The site is comprised of seven legal parcels and has 36.9 m (121 ft.) of frontage along Kingsway and 24.1 m (79.3 ft.) frontage along King Edward Avenue. The site is currently developed with a car lot (used as a carwash business).

The site is located in the Kingsway and Knight Neighbourhood Centre identified in the Kensington-Cedar Cottage Community Vision. Adjacent properties along Kingsway are zoned C-2 and developed with one or two storey lower scale commercial buildings, some with rental units on upper floors. The development known as King Edward Village, which includes a 22-storey tower, is one block to the west. Properties immediately to the south are currently occupied with single family homes but zoned RM-1, which permits three-storey residential developments.

## 2. Policy Context

**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 Three-Year Action Plan 2012-2014 identifies priority actions to achieve some of the strategy's goals. The priority actions that relate to 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 studio as well as one-, two- and three-bedroom unit types that would be secured as for-profit market rental housing through a housing agreement.

**Secured Market Rental Housing Policy (Rental 100)** – In May 2012, Council adopted the Secured Market Rental Housing Policy, which provides incentives for new developments where 100% of the residential floor space provided is non-stratified market 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.

**Kensington-Cedar Cottage (KCC) Community Vision** – In accordance with the vision for a neighbourhood centre at Kingsway and Knight, land use along this portion of Kingsway is intended to provide for a wide range of goods and services to serve local neighbourhoods and to support a pedestrian-oriented character by facilitating residential uses in mixed-use buildings.

### *Strategic Analysis*

## 3. Land Use and Density

The proposal includes approximately 599 m<sup>2</sup> (6,452 sq. ft.) of commercial space at grade level and 77 dwelling units on the upper five floors. A total floor area of 5,208 m<sup>2</sup> (56,060.3 sq.ft.) and an overall density of 3.85 FSR are proposed. The proposed mix of land uses is consistent with the KCC Community Vision. While the proposed land use is allowable under the site's existing C-2 zoning, additional height and density beyond what would be permitted under the existing zoning are proposed, thereby necessitating this rezoning application. Since the dwelling units are proposed to be secured market rental, the proposed increase in density is supported by the Rental 100 policy.

## 4. Housing

This application proposes that all 77 dwelling units be secured as market rental housing. Vancouver's Housing and Homelessness Strategy strives to enhance access to affordable housing in the city and it sets a number of short- and long-term rental housing targets. The Rental 100 program plays 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; City data indicates that the average income of a renter is

\$34,000, while that of a homeowner is \$66,000. This application, if approved, would add 77 units to the City's inventory of rental housing, which would be a noteworthy 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**

	TARGETS <sup>1</sup>		CURRENT PROJECTS					GAP
	Long Term (2021)	Near Term (2014)	Completed	Under Construction	Approved	In Progress <sup>2</sup>	Total	Above or Below 2014 Target
<b>Secured Market Rental Housing Units</b>	5,000	1,500	374	880	1,057	1,035	3,346	1,846 Above Target

1. Targets are established in the 2011 City of Vancouver Housing and Homeless Strategy.
2. "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.

There are a variety of unit types proposed, including studio, one- and two-bedroom units. Consistent with the Rental 100 policy, 25% of the units are two-bedroom units, suitable for families with young children. The majority of these 19 two-bedroom units are located on the south side of second floor, with private roof-top outdoor spaces. The rest are located at the east and west ends of the building on each floor.

## 5. Form of Development

The City's C-2 zoning regulations generally set the maximum allowable density at 2.5 FSR and the maximum building height at 13.8 m (45.3 ft.) or four storeys. The C-2 Design Guidelines are intended to:

- (a) to address the wide range of lot sizes, orientations, uses, and neighbouring buildings that occur in C-2, and to achieve compatibility among a variety of uses, as well as between existing and new development;
- (b) to guide building massing and design for neighbourliness, including mitigation of privacy and visual impacts on adjacent residential, with particular consideration for situations where there is no lane between a C-2-zoned site and an R-zoned site;
- (c) to ensure appropriate street scale and continuous street enclosure and pedestrian interest. In the exceptional cases where residential is located at grade along the street, to ensure appropriate setbacks and treatments;
- (d) to ensure a high standard of livability for housing; and
- (e) to ensure that both corridor and courtyard forms of residential continue to be possible in mixed use development, in order to allow a measure of housing variety.

The application proposes to increase the permitted height by two storeys beyond what would be allowable under the site's existing C-2 zoning. Staff have considered the implications of these increases and have concluded that, except for height and density, the proposal appropriately addresses the guidelines that would apply should the site be developed under its present zoning. In this particular location and context, staff support the proposed form of

development as it satisfactorily addresses the relationship with neighbouring properties, particularly those to the south.

**Figure 3: Perspective view from Kingsway and King Edward Avenue**



In the assessment of this proposal, staff have taken into consideration the current C-2 zoning as well as the RM-1 zoning of the properties located to the south of the site. RM-1 zoning permits a three-storey residential apartment building at 1.2 FSR. While C-2 zoning would require significant rear setbacks for the upper storeys of a development in order to mitigate overviews into the backyards of nearby single-family houses, staff anticipate the future development of these RM-1 zoned properties with apartment buildings. As such, the proposed 6 m (20 ft.) rear setback for all residential storeys above the ground floor is deemed sufficient. Shadows produced by this proposal will fall mainly towards the north and therefore do not impact the neighbouring properties to the south.

With respect to the Kingsway-fronting elevation, staff have considered the overall width and orientation of the street in assessing the proposed height. Since the width of Kingsway at this location is approximately 30.48 m (100 ft.), the north sidewalk will not experience shadows cast from the proposed building during the period between spring and fall equinox, from 10 am to 2 pm, which are the standard time frames used for assessing the effect of shadowing onto the public realm for projects of this nature. Furthermore, staff note that the ratio between the proposed height of the building and the width of the street is approximately 0.7:1, which is a similar proportion to a four-storey building on a 20 m (66 ft.) wide street, a typical street width for many arterials within C-2 Districts.

The Urban Design Panel reviewed this application on April 10, 2013 and again on May 22, 2013. At the first review, the panel supported the proposed general form of development but did not support the overall project due to several unresolved elements such as the lane interface, storefront design and architectural resolution. At the second review, the panel supported the overall design (see Appendix D for a summary). The panel offered direction on a number of development issues, to which staff have responded with design development conditions to be addressed as part of the development permit application. Staff support the proposed form of development, subject to the recommended design development conditions contained in Appendix B.

## 6. Parking and Transportation

The application proposes eight parking spaces at grade, off the lane, that are contained within the building and one level of underground parking providing 29 residential parking spaces, all accessed from the lane. The proposed residential parking currently meets the City's Parking By-law standards for a secured market rental development. The applicant will be required to demonstrate how visitor parking and loading needs can be satisfactorily met on site.

A traffic study was submitted by the applicant to assess the impact of this development on the traffic circulation in the area. Staff have reviewed the study and accept the conclusion that there will be minimal traffic impact generated by this development.

## 7. Environmental Sustainability

The Green Building Rezoning Policy (adopted by Council in July 2010) requires that rezoning applications received after January 2011 achieve a minimum of LEED® Gold rating, including 63 LEED® points, with targeted points for energy performance, water efficiency and storm-water management, along with registration and application for certification of the project. 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® Gold rating.

### *PUBLIC INPUT*

**Public Notification and Open House** – A rezoning information sign was installed on the site on January 31, 2013. A revised sign showing both rezoning and development permit application was installed on March 18, 2013. A community open house was held on Tuesday, April 2, 2013. Notification and application information, as well as an online comment form, were provided on the City of Vancouver Rezoning Centre webpage ([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).

A notice of rezoning application and invitation to the community open house was mailed to 650 surrounding property owners on March 19, 2013. A community open house was held on April 2, 2013, at the Kensington Community Centre. Staff, the applicant team, and a total of approximately 27 people attended the Open House.

**Public Response Summary** –A total of seven written responses were received - four comment sheets submitted at the open house and three letters received by email.

Themes of support included:

- rental housing is needed;
- project will have positive impact on this section of Kingsway; and
- six-storey should be the minimum height for a street as wide as Kingsway.

Themes of concern included:

- increased traffic and noise in the area;
- six-storey is too high - building too bulky;
- whether the building is of quality construction; and
- commercial viability on the ground floor.

Themes of suggested improvement included:

- building should have at least half of the units as two-bedrooms; and
- some of the units should be wheelchair accessible for aging-in-place purpose.

### ***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 City-wide DCL area where the rate for new residential or commercial floor space is \$136.38 per m<sup>2</sup> (\$12.67 per sq. ft.). Based on the proposed commercial floor area of 599 m<sup>2</sup> (6,447 sq. ft.), a DCL payment of approximately \$81,683 can be anticipated should this rezoning application be approved. The above rate reflects the annual inflationary adjustment which takes place on September 30, 2013. DCLs are payable at building permit issuance.

Under the provisions of the Secured Market Rental Housing Policy, the applicant has requested that DCLs be waived for the residential (secured rental housing) component of this development. The value of DCLs waived, should this application be approved, is approximately \$628,672.

**Public Art Program** – The Public Art Program requires all newly rezoned developments having a floor area of 9,290 m<sup>2</sup> (100,000 sq. ft.) or greater to commission public art or provide cash in lieu. The application is below that floor area threshold, therefore, there is no public art requirement.

#### **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 Secured Market Rental Housing (Rental 100) Policy. 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.

- **Rental 100 Policy** – By encouraging the development of rental housing across the City, Rental 100 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 Rental 100 Program is one of a number of City initiatives to sustain socially, economically and environmentally thriving communities. This policy offers 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).
- **Rental 100 Incentives** – The policy provides various incentives to stimulate the development of for-profit affordable rental housing. The incentives 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 affordable market rental units and increased density. The floor space anticipated for the rental housing is 4,610 m<sup>2</sup> (49,619 sq. ft.) and this application is proposing that the DCL for this floor area be waived. The DCL waiver is estimated to be valued at \$628,672.

- **Affordability** – The main focus of the Rental 100 Program is 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. The application proposes a variety of unit types including studio, one- and two-bedroom apartments. 19 two-bedroom units, which are 25% of all units, will provide housing suitable for families with young children. The applicant estimates the units will rent for an average of just under \$2 per sq. ft. per month, with specific rent levels varying depending on location within the building and unit size. This translates into rents of \$750 for a studio, \$900 for a one-bedroom unit and \$1,200 for a two-bedroom unit. Real Estate Services staff have reviewed the applicant's development pro forma and have confirmed that the requested incentives, if granted, would result in no undue profit.

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 Vancouver Eastside. The proposed rents for the units in this application are notably lower than the average rents for similarly new apartments in Vancouver and they are lower than the prevailing rental rates in the surrounding neighbourhoods. 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 4 compares rents proposed for units in this application to average and estimated costs for similar units.

**Figure 4: Comparable Average Market Rents and Costs**

	1526-1560 Kingsway Proposed Rents	Average Market Rent in Newer Buildings - City-wide (CMHC)	Average Market Rent - Mount Pleasant/ Renfrew Heights (CMHC)	Monthly Costs of Ownership for Median-Priced Unit - East Side (MLS 2012) <sup>1</sup>
Studio	\$750	\$1,443	\$832	\$1,809
1-Bed	\$900	\$1,517	\$915	\$1,926
2-Bed	\$1,200	\$2,061	\$1,213	\$2,553

1. Monthly ownership costs are based on the following assumptions: average of all MLS sales prices in the East Side in 2012 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150-250 monthly strata fees, annual property taxes at \$3.79 per \$1000 of assessed value.

The City Manager, pursuant to the Vancouver Development Cost Levy By-law, after considering the finishing, size, location and other design considerations, and proposed rents, has determined the for-profit affordable rental housing proposed in this application to be affordable. 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 pro forma and concluded that, after factoring in the costs associated with the provision of market rental housing units, there would 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 create an increase in land value).

### *Financial*

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 \$81,683 in DCLs. The residential component of the project qualifies for DCL waiver under the Rental 100 incentive program; the value of the waiver is estimated to be approximately \$628,672.

The for-profit affordable 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 this site from C-2 to CD-1 to allow an increase in density and height, to support the development of a mixed-use building with for-profit affordable rental housing and have concluded that it is consistent with the City's Secured Market Rental Housing Policy and other applicable City policies and guidelines.

The General Manager of Planning and Development Services recommends that this rezoning application be referred to a Public Hearing, together with a draft CD-1 By-law generally as set out in Appendix A. Further, it is recommended 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 listed in Appendix B.

\* \* \* \* \*

1526-1560 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;
  - (b) Dwelling Uses;
  - (c) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
  - (d) Office Uses;
  - (e) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;
  - (f) 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 Studio, Photofinishing or Photography Laboratory, Print Shop, Repair Shop - Class B, Restaurant, School - Arts or Self-Improvement, School - Business, School - Vocational or Trade, Sign Painting Shop, and Wedding Chapel;

- (g) Utility and Communication Uses, limited to Public Utility or Radiocommunication Station; and
- (h) Accessory uses customarily ancillary to the uses permitted in this Section 2.2.

### Conditions of Use

- 3. The design and lay-out of at least 25% of the dwelling units must:
  - (a) be suitable for family housing;
  - (b) include two or more bedrooms; and
  - (c) comply with Council's "High Density Housing for Families with Children Guidelines".

### Floor Area

- 4.1 Computation of floor area must assume that the site consists of 1,357 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law.
- 4.2 Floor space ratio for all uses must not exceed 3.85.
- 4.3 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.
- 4.4 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:
    - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length, or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
  - (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 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.
- 4.5 The use of floor area excluded under section 4.4 must not include any purpose other than that which justified the exclusion.

### **Building Height**

- 5.1 Building height, measured from base surface, must not exceed 23.6 m.

### **Horizontal Angle of Daylight**

- 6.1 Each habitable room must have at least one window on an exterior wall of a building.
- 6.2 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.
- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.
- 6.4 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.
- 6.5 An obstruction referred to in section 6.2 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 ( ).
- 6.6 A habitable room referred to in section 6.1 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 m<sup>2</sup>.

**Acoustics**

7. 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

\* \* \* \* \*

1526-1560 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 FORM OF DEVELOPMENT**

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by GBL Architecture and stamped "Received City Planning Department, June 19, 2013", 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. Significant design development to the south-facing roof deck on Level 2 to reduce the amount of soft landscaping in order to provide additional common outdoor amenity areas for building residents.
- 2. Landscape drawings to reflect the Kingsway and Knight Public Realm plan. Refer to link provided:  
  
<http://former.vancouver.ca/commsvcs/planning/neighcentres/kingswayknight/pdf/KKPublicRealm.pdf>
- 3. Design development to the unit mix to comply with the Rental 100 / Secured Market Housing policy requirement for 25% family units.

Note to Applicant: The proposed unit mix is one unit short of this requirement.

**Sustainability**

- 4. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold, including a minimum of 63 points in the LEED® rating system, and, specifically, a minimum of 6 points under Optimize Energy Performance.

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. Registration of the project is also required under the policy.

### Engineering

5. Provision of parking, loading and bicycle parking in accordance with the requirements of the Vancouver Parking By-Law.

### 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 Cultural Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### Engineering

1. Consolidation of: Lots A, B & C, Except Parts Included in Parcel 1 (Reference Plan 2328); Lots D,E,F & G, Except Parts in Reference Plan 2394; and all of Lots 19 and 20, Block 5, DL 352, Plan 3082, to create a single parcel.
2. Provision of a surface statutory right of way for public pedestrian use of an expanded sidewalk over a portion of the site adjacent the north property line to achieve a 4.6 m boulevard measured from the curb to the building face.

Note: portions of the upper building and balconies are over the required SRW area from level 2 to 6 and are to be accommodated within the SRW agreement. Delete the portion of the easterly wall of the building shown within this SRW area at grade.

3. Clarification is required as to whether the sewer line indicated in Easement 215267M located in the southwest corner of Lot A and servicing adjacent Lot 4 is still in existence and in use. If it is still active, then arrangements must be made for this pipe through provision of appropriate legal agreements. If it is no longer in service, the applicant should make arrangements to have the easement released prior to issuance of the building permit for the site.
4. Release of Easement & Indemnity Agreement 438213M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

5. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but are not limited to, junction boxes,



switchgear, pad mounted transformers and kiosks (including non BC Hydro Kiosks) are to be located on private property with no reliance on public property for placement of these features. There will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch. The applicant may be required to show details of how the site will be provided with all services being underground.

6. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.
  - a) 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 applicants' 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.
  - b) Provision of lane paving of the lane south of Kingsway from the Fleming St./26<sup>th</sup> Av. intersection to the west for the length of the site including a new lane entry with concrete lane crossing and curb returns.
  - c) Provision of new sidewalk to commercial standards adjacent the Kingsway portion of the site. Typically consisting of a 1.2 m exposed aggregate front filler and standard broomed finished sidewalks to the property line.
  - d) Provision of street trees adjacent the site where space permits.

#### Soils

7. If applicable:
  - a) Submit a site profile to Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
  - b) As required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.

- c) If required by the Manager of Environmental Planning and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Planning , the General Manager of Engineering Services and the Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until a Certificate of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, has been provided to the City.

### Housing

8. 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 Secured Market Rental Housing (Rental 100) program for 60 years or the 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

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 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.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

\* \* \* \* \*

1526-1560 Kingsway  
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO SIGN BY-LAW NO. 6510

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

"1526-1560 Kingsway                      [CD-1#]                      [By-law #]                      B (C-2)"

DRAFT AMENDMENTS TO NOISE BY-LAW NO. 6555

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

"[CD-1 #]                      [By-law #]                      1526-1560 Kingsway"

\* \* \* \* \*

1526-1560 Kingsway  
ADDITIONAL INFORMATION/COMMENTARY OF REVIEW BODIES

URBAN DESIGN PANEL

The Urban Design Panel reviewed the application on April 10, 2013 and did not support the proposal (non-support: 0-5). The Urban Design Panel reviewed the revised application on May 22, 2013 and supported the proposal with a vote of 6-1.

UDP Minutes from April 10, 2013

- **Introduction:** Yan Zeng, Rezoning Planner, introduced the proposal for a rezoning and development permit application under the Rental 100: Secured Market Rental Housing Policy. The rezoning is from the existing C-2 to CD-1. The subject site is within the Kingsway and Knight Neighbourhood Centre and is just down the street from the development known as the King Edward Village condo development. Ms. Zeng noted that the single family homes surrounding the neighbourhood centre were rezoned from RS-1 to RM-1 and RT-10 in 2005 to allow for ground-oriented housing alternatives. The particular sites located across the back lane are identified in the RM-1 zoning to permit 3-storey apartments.

Paul Cheng, Development Planner, further described the proposal noting C-2 is what the site is currently zoned for and allows for 4-storey mixed-use apartment buildings. Under this zoning a setback of twenty feet for the second and third storey and a further setback of fifteen feet from the rear property line for the fourth floor would be required. This was built in to the zoning to reduce the impact of shadowing, overlook and privacy concerns for those RS-1 properties across the rear service lane. Mr. Cheng mentioned that there wasn't a rezoning policy placed on the Kingsway properties for up zoning, however this proposal is coming from a City wide rezoning policy under the Rental 100 policy. This policy states for C-2 prosperities, six storeys could be a possibility, but subject to urban design criteria.

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

1. This rezoning application proposes a 6-storey building on what is currently zoned for 4-storeys. Further, the rear yard setback for the residential component is consistently 20 feet, whereas for a C-2 building, a further rear yard setback of 15 feet would be required for the 4<sup>th</sup> storey to address overlook, privacy and shadowing onto the properties located across the service lane.

Taking into consideration the shallow nature of the subject site and the zoning of the properties located across the lane which allows 3-storey apartment buildings, does the panel have any concerns of the proposed building height and form with respect to overlook, privacy and shadowing onto neighbouring properties?

2. Does the proposal provide sufficient visual interest for the south elevation?
3. Does the Panel have any concerns with the resulting party wall that extends above the building located directly due east, as seen from the public realm?

Ms. Zeng and Mr. Cheng took questions from the Panel.

- **Applicant's Introductory Comments:** Daniel Eisenberg, Architect, further described the proposal and mentioned that there will be no overshadowing to the south. He said the massing of the project reflects the mix of uses in the building. The commercial frontage is set back slightly from the building above to allow for a street wall expression along the street. There is a four foot setback for the residential component above however the balconies extend to the property line. The residential entrance is on King Edward because of the more residential character of the street and allows for a continuous commercial frontage along Kingsway. Mr. Eisenberg described the colour palette noting the charcoal coloured brick in contrast with white brick on the frames. There will be enclosed balconies on Kingsway and a continuous row of balconies on the south elevation. As well he described the sustainability strategy for the project noting the enhanced envelope, minimized glazing and a green roof. Mr. Eisenberg explained that 25% of the units are designed for families and are located at the patio level facing south.

Senga Lindsay, Landscape Architect, described the landscaping plans and indicated that currently the streetscape will have a series of street trees. The back side of the building where all the patio spaces are located will have an edible landscape theme.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
  - Design development to improve neighbourliness;
  - Design development to soften the building expression on the south elevation;
  - Design development to the party wall;
  - Design development to improve the landscaping plans.
- **Related Commentary:** The Panel did not support the proposal as they felt the expression was not bold enough to take advantage of its location. There was concern raised regarding the roof line with some members questioning the proposed form commenting that the overall design would be more cohesive with a flat roof.

The Panel supported the height, form and massing but thought the proposal lacked neighbourliness. As well they thought the parking entry at the rear of the building and the long solid concrete parkade wall along the property line needed further design development to minimize its impact on the neighbouring properties. One Panel member suggested depressing the first planter to reduce the amount of concrete. The Panel was also concerned with over shadowing given the location.

One Panel member noted that the south-facing balconies serve their purpose and are well modulated but could be developed a little further. Some Panel members had some concerns regarding the store fronts and felt the expression needed to allow subdivision of the CRU space rather than a continuous storefront.

The Panel thought the party wall on the east façade seemed unfinished and should have some sort of architectural relief. Some Panel members wondered why the

Kingsway façade was treated differently from the King Edward façade within the frame and felt they should be the same.

Most of the Panel did not support the landscape plans and thought the lane could benefit from some vegetation and as well they thought the Kingsway side should have a different approach to the landscaping than the King Edward side.

The Panel thought the proposal was lacking in detail as a development permit application and would have liked to have seen more details in the applicant's package.

- **Applicant's Response:** Mr. Eisenberg said he agreed with the comments from the Panel.

#### UDP Minutes from May 22, 2013

- **Introduction:** Paul Cheng, Development Planner, introduced the project noting that it is proposing a mixed-use building with 100% rental residential units under the Rental 100: Secured Market Rental Housing Policy. As part of this policy, whenever possible staff look to expedite the permitting process by having the rezoning and development permit application as a concurrent application.

Mr. Cheng mentioned that the Panel at the last review thought the overall massing, height and form was acceptable from a rezoning point of view but they were not comfortable with supporting the project given that the project was also looking for support from a development permit level. The project has come back with some design refinement. Mr. Cheng gave an overview of the context noting the zoning for the site. He went through the concerns from the Panel's last review.

Mr. Cheng took questions from the Panel.

- **Applicant's Introductory Comments:** Stu Lyon, Architect, further described the proposal and said they had an opportunity to design some efficient and interesting layouts for the units because of the shape of the site. The corridor has been staggered and the enclosed balconies are bigger than usually seen in rental properties.

Daniel Eisenberg, Architect, described the changes since the last review and mentioned that they have had the opportunity to address the comments from the Panel. Regarding the angle of the roof line he noted that they explored the option of a flat roof and found that they wanted to create a more dramatic corner with an angled roof line. He added that with the flat roof option, the corner seemed to get lost. As a result they have gone back to the option of the angled roof line which they feel is appropriate. On the lane side, they have added a planter above the car ramp that channels the landscape from the second floor down to the lane. They have also contrasted the texture of the walls and created vertical windows at the lane. The amenity room has been relocated from the second floor to the ground floor facing the lane. The balconies have been broken up into shorter sections creating a more dramatic staggered pattern and color has been added to the soffits and privacy screens. Mr. Eisenberg mentioned that they have treated the party wall on the east with a combination of painted concrete and exposed architectural concrete with

several reveal lines. The west party wall has been treated similarly. They have provided a series of spandrel panels along the retail frontage and a canopy to improve the scale and weather protection. He noted that they made the expression of the façade consistent around the whole building. They have also removed the eye brow so the lines of the angle of the roof have a better reading.

Senga Lindsay, Landscape Architect, described the landscaping plans. She mentioned that they have made three layers of plantings along the lane with the top layer being edible landscaping, and then an evergreen hedge and finally a bottom layer with vines. Additional planting is proposed for the corner.

The applicant team took questions from the Panel.

- **Panel's Consensus on Key Aspects Needing Improvement:**
  - Consider reducing the graphic element on the façade;
  - Consider adding windows to the end walls;
  - Consider expanding the windows off the amenity space.
- **Related Commentary:** The Panel supported the proposal and thought it had evolved since the last review.

The Panel agreed that it was an interesting design and liked the building form and thought the refinement was an improvement to the cornice line on the Kingsway elevation. Some of the Panel thought the graphic element on Kingsway wasn't helping the architectural expression. A couple of Panel members suggested adding windows on the end walls to get more light into the units.

The Panel thought the unit layouts were interesting and although small were thoughtfully worked out.

The Panel supported the landscape plans and thought the plantings in the lane and the access to the ramp was improved with one Panel member suggested the planting be different from the rest of the ground plane. A couple of Panel members suggested revising the slot windows to something larger to allow a better view out from the amenity room. Also, adding some screening around the amenity room on the lane as well as adding a shading element was suggested.

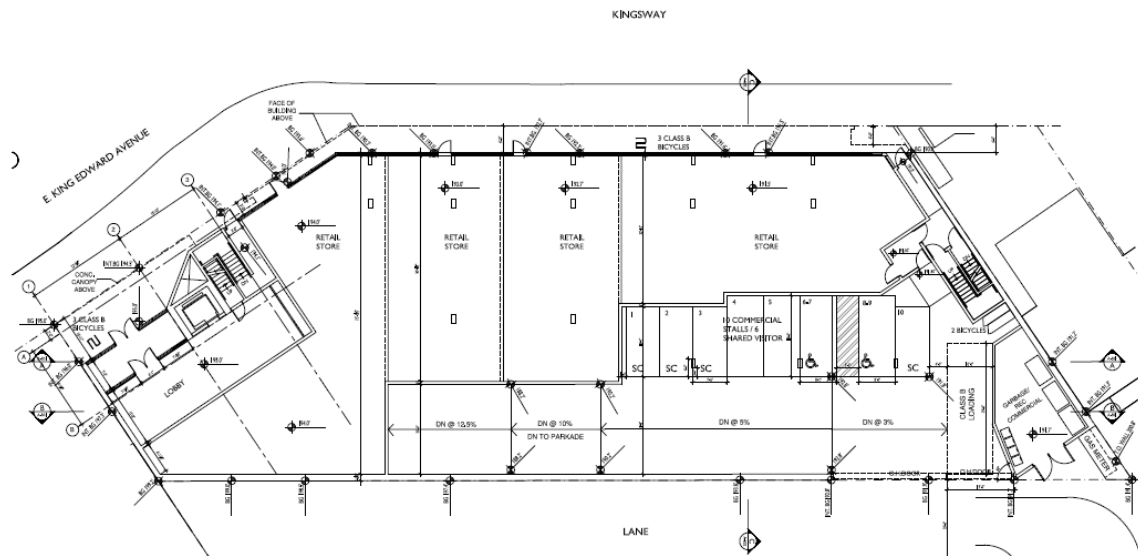
- **Applicant's Response:** Mr. Lyon said they had no further comments and thanked the Panel.

# 1526-1560 Kingsway FORM OF DEVELOPMENT

Perspective view from Kingsway and King Edward Avenue

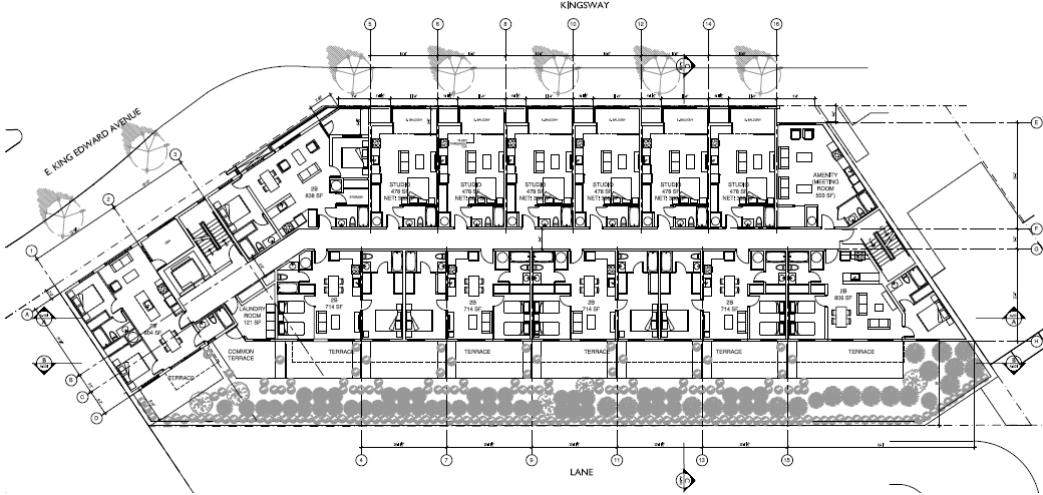


Ground Level Plan

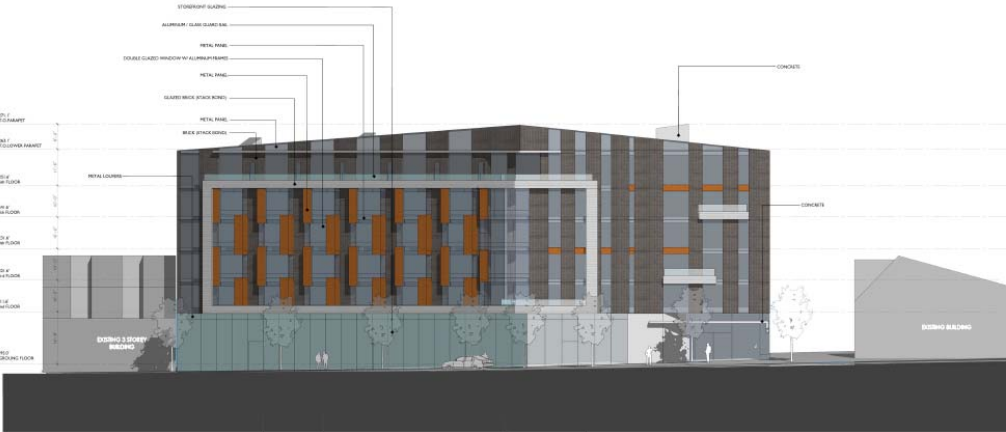




Level 2 Plan



North Elevation



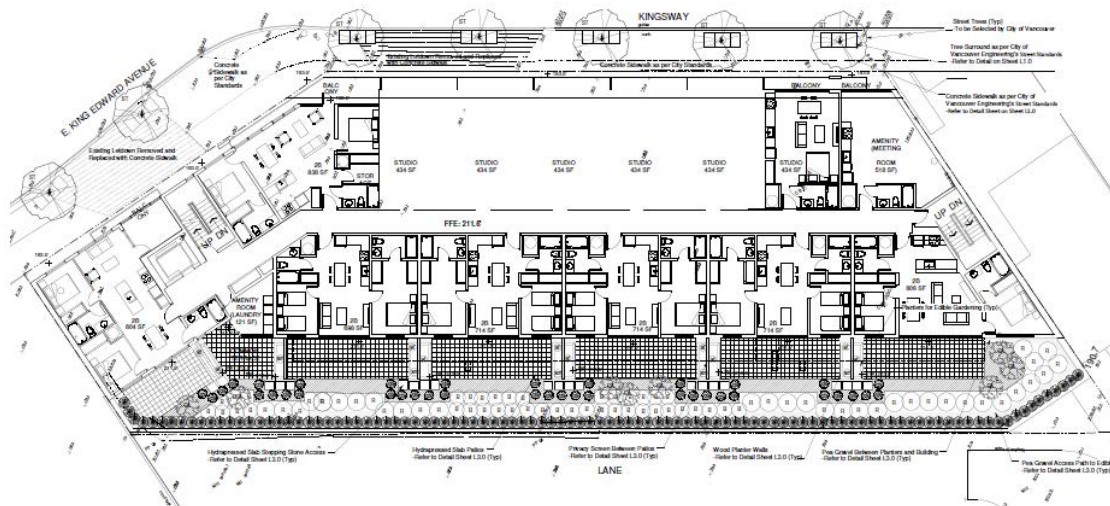
Northeast Elevation



South Elevation



Ground Floor Landscape Plan



1526-1560 Kingsway  
PUBLIC BENEFITS SUMMARY

**Project Summary:**

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

**Public Benefit Summary:**

100% of dwelling units secured as for-profit affordable rental housing for 60 years or the life of the building, whichever is greater.

	Current Zoning	Proposed Zoning
Zoning District	C-2	CD-1
FSR (site area = 1,357 m <sup>2</sup> /14,610.4 sq. ft.)	2.50	3.85
Buildable Floor Space (sq. ft.)	36,525 sq. ft.	56,250 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)	\$462,771	\$81,683
	DCL (Area Specific)		
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage (transfer of density receiver site)		
	Housing (Affordable Housing Reserve)		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
	Other		
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$462,771</b>	<b>\$81,683</b>

**Other Benefits**

77 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.

1526-1560 Kingsway  
APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1526-1560 Kingsway
Legal Description	Lots A, B, C, D, E, F and G, except part in Reference Plan 2394 of Lots 19 and 20 Block 5 District Lot 352 Plan 3082; PIDs: 003-239-012, 003-239-071, 003-239-144, 003-239-179, 003-239-713, 013-190-903 and 013-190-946 respectively
Applicant/Architect	GBL Architects Inc.
Property Owner	John & May Wong Holdings Ltd. and Allan & Sylvia Wong Holdings Ltd.
Developer	John & May Wong Holdings Ltd. and Allan & Sylvia Wong Holdings Ltd.

SITE STATISTICS

SITE AREA	1,357 m <sup>2</sup> (14,610.4 sq. ft.)
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DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED (if different the proposed)
Zoning	C-2	CD-1	
Floor Space Ratio	2.50 FSR	3.85 FSR	
Maximum Height	13.8 m (45.3 ft.)	23.6 m (77.4 ft.)	
Commercial Floor Area		599 m <sup>2</sup> (6,447 sq.ft.)	
Residential Floor Area		4,609 m <sup>2</sup> (49,612 sq.ft.)	
Dwelling Types		Studio 34 One-bedroom 24 Two-bedroom 19 <hr/> Total 77	
Parking Spaces	as per Parking By-law	Residential 29 Visitor 1 Commercial 9 <hr/> Total 39	Residential 29 Visitor 6 Commercial 9 <hr/> Total 44
Loading	as per Parking By-law	Class B 1	Class B 2
Bicycles	as per Parking By-law	Class A 101 Class B 6 <hr/> Total 107	