

SUMMARY AND RECOMMENDATION

3. REZONING: 3068 Kingsway (3058 Kingsway)

Summary: To rezone 3068 Kingsway (3058 Kingsway) from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a six-storey commercial and residential building, with 30 units of secured market rental housing. A floor space ratio (FSR) of 3.65 and a building height of 18.73 m (61.5 ft.) are proposed.

Applicant: Matthew Cheng Architect Inc.

Recommended Approval: By the General Manager of Planning and Development Services, subject to the following conditions as proposed for adoption by resolution of Council:

- 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, generally as presented in Appendix A of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)" be approved subject to the following conditions:

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by 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.

- B. THAT, subject to approval in principle of the rezoning and the Housing Agreement described in section (c) of Appendix B of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)", 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 in the same 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 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 of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)", be approved.
- D. THAT, at the time of enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated July 9, 2013, entitled "CD-1 Rezoning: 3068 Kingsway (3058 Kingsway)".
- E. THAT Recommendations A through D be adopted on the following conditions:
 - (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at 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.

(RZ - 3068 Kingsway)