

## SUMMARY AND RECOMMENDATION

**3 REZONING: 1526-1560 Kingsway**

**Summary:** To rezone 1526-1560 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a six-storey commercial and residential building with all 77 residential units secured as market rental housing. A height of 23.6 m (77.5 ft.), a floor space ratio (FSR) of 3.85, a residential floor area of 4,609 m<sup>2</sup> (49,608 sq. ft.) and a commercial floor area of 590 m<sup>2</sup> (6,452 sq. ft.) are proposed. This is a concurrent rezoning and development permit (DE416646) application.

**Applicant:** GBL Architects Inc.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of September 24, 2013.

**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 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, generally as presented in Appendix A of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 1526 1560 Kingsway", be approved subject to the following conditions:

**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.

- 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 September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 Kingsway", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the amending by-law contemplated by 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 September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 Kingsway", be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated September 10, 2013, entitled "CD-1 Rezoning: 1526-1560 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 - 1526-1560 Kingsway)