

SUMMARY AND RECOMMENDATION

5 REZONING: 960-968 Kingsway and 955 East 19th Avenue

Summary: To rezone 960-968 Kingsway and 955 East 19th Avenue from C-2 (Commercial) District and RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to allow for a six-storey commercial and residential building, with all 44 dwelling units secured as for-profit affordable rental housing. A height of 19.4 m (63.7 ft.) and a floor space ratio (FSR) of 3.39 are proposed. This is a concurrent rezoning and development permit (DE413541) application.

Applicant: Matthew Cheng Architect Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of January 21, 2014.

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 Vishi Construction Ltd., to rezone 960-968 Kingsway and 955 East 19th Avenue [*Lots 7 to 9 Block 65 District Lot 301 Plan 3640; PIDs 008-736-898, 008-736-910 and 008-736-936 respectively*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 2.50 to 3.39 and building height from 13.8 m (45 ft.) to 19.4 m (63.7 ft.) to permit the development of a six-storey mixed-use commercial and residential building with all 44 dwelling units secured as for-profit affordable rental housing under the STIR Program, generally as presented in Appendix A of the Policy Report dated January 14, 2014, entitled "CD-1 Rezoning: 960-968 Kingsway and 955 East 19th Avenue", 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 16, 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. Architectural expression will employ a palette of high quality durable materials and a refined detail finish.

Note to Applicant: The materials as proposed in this revised application, particularly with regard to the use of alternating brick and panel expression to the east and west elevations, are recognized as assisting in the above condition.

2. Provision of more planting along the laneway to green the rear elevation.

Note to Applicant: The intent is to reduce the visual scale of the new building relative to the neighbours across the lane by reducing exposed concrete. To better meet the intent, landscape proposals for a trellis or similar planting measure, along the face of the exposed architectural concrete on the lane toward the junction with 19th Avenue, should be developed. The landscaping measures, at the second-floor deck level adjacent to the lane and at the ground floor adjacent to the secondary residential entry on 19th Avenue, are recognized as assisting in the above condition.

3. 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. As per condition 1.4 Part B below, clarification of balcony and rail details is required to determine whether this condition is met in the revised application.

Crime Prevention Through Environmental Design (CPTED)

4. Design development to consider the principles of CPTED, having particular regard for security in the underground parking.

Note to Applicant: Consider how lighting strategies can be used to improve perceived safety in underground areas. Accessible exterior walls should be noted as having anti-vandal coating. Design features that address CPTED principles should be noted on the development permit application.

Landscape Design

5. Design development provide a more substantial lane edge planting by adding a 4.0 ft. wide planter to the south of the two small car spaces and by adding a small tree to the larger planter to the east.

6. Clarification of the configuration of the lane edge planters.

Note to Applicant: The architectural plans and the Landscape Plans are not coordinated.

7. Provision of large-scale (1/4" = 1'-0") sections illustrating the soil depths for all planters, including the east side yard, the second-floor deck planter and the lane edge planter.

Note to Applicant: The sections should include the adjacent building structure.

8. Design development to locate, integrate and fully screen any emergency generator, exhaust ventilation, electrical substation and gas meter in a manner that minimizes their impact on the architectural expression, and the building's open space and public realm.

Note to Applicant: In order to prevent contaminated air from being drawn into the building, all fresh-air intake portals must be located away from driveways, and parking or loading areas.

Sustainability

9. 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

10. Provision of increased parking ramp width, through the sections of the ramp which deflect, to enable two vehicles to pass by each other.
11. Provision of a minimum 3.0 m wide Class B loading space with direct access to the CRUs from the rear of the loading space.

Note to Applicant: It is expected that the truck must be backed into the loading space and exit only in a forward direction.

12. Provision of a redesigned commercial parking area that facilitates vehicles egress without excessive vehicle manoeuvring.

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. Provision of a 5.5.m distance from the back of the City curb to the building face to be achieved through dedication and subdivision. A legal survey of the existing dimension from the back of the City curb to the existing property line is required and dedication of a portion of the site to achieve a 5.5 m distance is required. All portions of the building above and below grade are to be deleted from the dedication area.
2. Consolidation of Lots 7, 8 and 9, Block 65, DL 301, Plan 3940 to create a single parcel and subdivision of that site to result in the dedication of the south 6 feet for lane purposes.
3. Release of Easement & Indemnity Agreement 387050M (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.

4. 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 relocation of the wood pole at the lane entry. Confirmation that it can be relocated is required from all utility companies that are connected to the pole.
 - (b) Provision of improved sidewalks adjacent the site to the current commercial standards for the area.
 - (c) Provision of a new concrete curb returns at the lane entry on 19th Avenue including a standard concrete crossing at the same location.
 - (d) Provision of street trees adjacent the site where space permits.
5. 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.

Housing

6. 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 of 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 for such residential units to comply with the requirements of the STIR Program and in particular section 3.1A of the applicable Development Cost Levy By-Law.

The Housing Agreement to secure the rental units will include:

- a. A rent roll indicating the initial monthly rents for each rental unit;
- b. A covenant from the owner to submit, prior to issuance of an occupancy permit, a finalized rent roll to the satisfaction of the Managing Director of Social Development and Director of Legal Services that reflect the rental rates in the Housing Agreement on either a per unit or a per square foot basis in order to address potential changes in unit mix and/or sizes between the rezoning and development permit stage; and
- c. Such other terms and conditions as 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

7. If applicable:
 - (a) Submit a site profile to the 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; and
 - (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 Protection, the General Manager of Engineering Services 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 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 January 14, 2014, entitled "CD-1 Rezoning: 960-968 Kingsway and 955 East 19th Avenue", 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 the same report.
- 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 January 14, 2014, entitled "CD-1 Rezoning: 960-968 Kingsway and 955 East 19th Avenue", 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 January 14, 2014, entitled "CD-1 Rezoning: 960-968 Kingsway and 955 East 19th Avenue".
- 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 - 960-968 Kingsway and 955 East 19th Avenue)