

SUMMARY AND RECOMMENDATION

4. REZONING: 275 Kingsway (333 East 11th Avenue)

Summary: To rezone 275 Kingsway (333 East 11th Avenue) from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 14-storey mixed-use commercial and residential building, containing a total of 202 secured for-profit affordable rental housing units. A height of 42.4 m (139 ft.) and a floor space ratio (FSR) of 8.66 are proposed.

Applicant: Acton Ostry Architects Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of January 20, 2015.

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 Acton Ostry Architects Inc., on behalf of 333 East 11th Holdings Ltd., to rezone 275 Kingsway [*Lots 12 to 14, Block 117, District Lot 301, Plan 187; PIDs 015-607-623, 015-607-640 and 015-607-666 respectively*] from C-3A (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio from 3.00 to 8.66 to permit the development of a 14-storey mixed-use commercial and residential building with 202 secured for-profit affordable rental housing units, generally as presented in Appendix A of Policy Report dated January 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th 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 Acton Ostry Architects Inc. and stamped "Received City Planning Department, January 15, 2014", 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:

Urban Design

1. Design development of the proposed setbacks of the face of building to property line shall remain as proposed within the drawing submission.

Note to Applicant: Proposed setbacks may be increased through the design development process however, they may not be reduced.

2. Design development to maintain and further refine the high quality materials indicated for the building and to maintain the level of detailing implied and necessary to accomplish and construct the proposed design and expression with exceptional detailing
3. Design development to ensure that service equipment including window washing infrastructure, cell towers, and any other mechanical units do not appear or obstruct the integrity of the building design.
4. Design development to enhance and maintain the green roof treatments and their contemplated amenity function for the building.
5. Design development of the ground-oriented storefront, display and weather protection systems to ensure variety and pedestrian interest in the expression of tenant frontages as well as the coordination in height and scale with adjacent future developments.
6. Design development to inset the metal entry gate by a minimum of 2.0 m from the face of building. Provide for a design that provides and maintains a strong visual connection and transparency to this entry space.

Sustainability

7. Identification on the plans and elevations of the built elements contributing to the building's sustainability performance in achieving LEED® Gold equivalency, as required by the *Green Buildings Policy for Rezoning*, including a minimum 63 points in the LEED® rating system, six 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. Registration and application for certification of the project is also required under the policy.

Crime Prevention Through Environmental Design (CPTED)

8. Design development to respond to CPTED principles, having particular regards for:
 - (i) theft in the underground parking;
 - (ii) residential break and enter;
 - (iii) mail theft; and
 - (iv) mischief in alcove and vandalism, such as graffiti.

Note to Applicant: Building features proposed in response to this condition should be noted on the plans and elevations. Consider use of a legend or key to features on the drawings. Consultation with the social housing operators and Park Board staff with experience of the more

specific CPTED risks in this area is recommended, and should be included the response to this condition.

Landscape Design

9. Provision of an enhanced quality public realm, with components in keeping with the Mount Pleasant Community Plan Implementation Plan, Section 4.4.
10. Provision of a pedestrian friendly experience at the lane edges by the use of down lighting and more substantial planting at grade, oriented to the lane.

Note to Applicant: The lane edge planting should be protected from vehicles by an 8-inch high curb.

11. Provision of enhanced Atrium landscape by a more diverse planting palette and addition of articulating elements.

Note to Applicant: In order to express the eclectic character of Mount Pleasant, plants should be of varying textures, heights and colours; paving should be more diverse and playful. Suggest this is a good opportunity to introduce a public art component.

12. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should be to BCSLA standards or better.

13. Provision of improved sustainability by the provision of edible plants, in addition to urban agriculture plots.

Note to Applicant: Edible plants can be used as ornamentals as part of the landscape design. Shared gardening areas should reference and be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

14. Provision of a Rainwater Management Plan that utilizes sustainable strategies such as infiltration, retention and reuse of rainwater.

Note to Applicant: Strategies could include high efficiency irrigation, permeable paving, drought tolerant plants and mulching.

Engineering

15. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The following items are required to meet provisions of the Parking By-law and the parking and loading design supplement:

- (i) Provision of all Class A bicycle spaces on the P1 level.

Note to Applicant: Alternative locations may be considered with appropriate access to the satisfaction of the General Manager of Engineering Services. The applicant is proposing to split Class A spaces between P2 and P3 levels which is not acceptable without an elevator dedicated to bicycles with access from both sides that goes directly to grade.

- (ii) Provision of automatic door openers for all doors leading to and from the bicycle storage areas and the street.
- (iii) Provision of 6 Class B bicycle parking spaces at grade, outside of the area designated for PBS (Public Bike Share).

Note to Applicant: Ensure that the positioning of the bike rack allows access to both sides of the rack as the rack is designed to be double stacked. Re-location of the bike rack to comfortably accommodate 6 bicycles is required and such that when in use the bicycles do not obstruct City sidewalks.

- (iv) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bays. The minimum vertical clearance should be noted on plans.

Note to Applicant: 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces. 3.8 m of vertical clearance is required for Class B loading spaces and maneuvering.

- (v) Provision of an improved plan showing the design elevations on both sides of the ramp at all breakpoints and within the parking areas to be able to calculate slopes and cross falls.
- (vi) Switch the location of the stairs and the ramp for the residential loading space on drawing A1.13. This is to provide additional space between the truck and the loading ramp for moving goods.
- (vii) Re-align the stairs to an East-West orientation (rotate 90 degrees) for the commercial loading to improve truck access to the loading dock on drawing A1.20.
- (viii) Provision of wider carshare stall widths, 2.9 m width is required as per the carsharing agreement.

- 16. The proposed approach to site heating and cooling, developed in collaboration with the City and the City's designated Neighbourhood Energy utility provider, shall be provided prior to the issuance of any development permit, to the satisfaction of the General Manager of Engineering Services.

17. Detailed design of the building HVAC and mechanical heating system at the building permit stage must be to the satisfaction of the General Manager of Engineering Services.
18. The building(s) heating and domestic hot water system shall be designed to be easily connectable and compatible with a City-designated Neighbourhood Energy System to supply all heating and domestic hot water requirements. Design provisions related to Neighbourhood Energy compatibility must be to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: The applicant shall refer to the *Neighbourhood Energy Connectivity Standards - Design Guidelines* for general design requirements related to Neighbourhood Energy compatibility at the building scale. The applicant is also encouraged to work closely with City staff during mechanical design to ensure compatibility with a neighbourhood-scale system. A declaration signed by the registered professional of record certifying that the Neighbourhood Energy connectivity requirements have been satisfied will be required as a pre-condition to building permit.

19. Building-scale space heating and ventilation make-up air shall be provided by hydronic systems without electric resistance heat or distributed heat generating equipment (e.g. gas fired make-up air heaters, heat producing fireplaces, distributed heat pumps, etc.) unless otherwise approved by the General Manager of Engineering Services.

Housing

20. That the proposed unit mix, 75% 1-bedroom and studios, and 25% 2-bedroom units, be included in the Development Permit drawings. Design Development to ensure that a minimum of 25% of the proposed rental units be designed to be suitable for families with children.

Note to Applicant: Any changes in unit mix from the proposed rezoning application shall be to the satisfaction of the Chief Housing Officer.

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. Consolidation of Lots 12, 13 and 14, Block 117, DL 301, Plan 187 to create a single parcel.
2. Release of Easement & Indemnity Agreement 152413M (commercial crossings) prior to building occupancy.

Note to Applicant: Provision of a letter of commitment to discharge at occupancy will satisfactorily address this condition.

3. Provision of a statutory right of way to accommodate a Public Bike Share Station (PBS).

Size: At minimum, the smallest sized station at 16 m x 4 m should be accommodated. The physical station with docked bicycles is 2 m wide and has a required bicycle maneuvering zone of 2 m for a total width of 4 m. The 2 m maneuvering space may be shared with pedestrian space. Note the current location is not adequate in length.

Location: The station should be located on private property while still clearly visible to the public with 24/7 public access.

Surface treatment: A hard surface is required with no utility access points within 150 mm. Acceptable surfaces include CIP concrete (saw cut or broom finished), asphalt and pavers. Other firm, paved materials are subject to approval.

Grades: The surface must be leveled with a maximum cross slope of 3% and have a consistent grade (i.e. no grade transitions) along the length with a maximum slope of 5%. At minimum, spot elevations at the four corners of the station must be provided.

Note: A 5.0 m vertical clearance is required to accommodate the bike share infrastructure.

Sun exposure: No vertical obstructions to maximize sun exposure as station operates on solar power. Ideally the station should receive 5 hours of direct sunlight a day.

Power: An electrical service is required to the station and provision of electrical power.

4. Provision, operation, and maintenance of such number of shared vehicles and provision and maintenance of such number of parking spaces for use exclusively by such shared vehicles, as are required by the Parking By-law and subject to the conditions outlined below:
 - (i) Developer will be required to secure the provision of each required shared vehicle with delivery of a \$50,000.00 refundable security deposit per vehicle prior to issuance of the related development permit.
 - (ii) Management services to be provided by the professional shared vehicle organization subject to an agreement to be entered into with the developer on terms and conditions satisfactory to the City.
 - (iii) The registration against the title to the development, with such priority as the Director of Legal Services may require, and in form and substance satisfactory to the Director of Legal Services, of a covenant under section 219 of the Land Title Act of British

Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, which will provide that the shared vehicle spaces in the development must be accessible to members of the car sharing organization who do not reside in the development, and such other matters as the Director of Legal Services may require.

- (iv) The provision of, prior to issuance of any development permit, details on arrangements that will allow members of the shared vehicle organization access to the car share parking spaces.
5. Provision of a Services Agreement to detail the on-site 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 is provided.
- (i) Provide a minimum sidewalk width of 1.8 m for consistency with the sidewalk east of the north-south lane on 11th Avenue.
 - (ii) Replacement of the curb and gutter on Kingsway adjacent the site so that the developed building grades and sidewalk grades can be achieved.
 - (iii) Provision of a standard concrete lane crossing at the lane east of Kingsway on the north side of 11th Avenue.
 - (iv) Provision of a corner bulge at 11th Avenue and Kingsway to partially "normalize" intersection. Bulge installation to include relocation and/or adjustment of all utility works impacted by the bulge installation.
 - (v) Provision of street trees adjacent the site where space permits.
 - (vi) Provision of public realm improvements (on public property) to be consistent with the approved Mount Pleasant public realm plan. (Details to be indicated on the development permit drawings prior to development permit issuance).
 - (vii) 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.

6. 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.
7. Enter into such agreements as the General Manager of Engineering Services and the Director of Legal Services determine are necessary for connection to a City-designated Neighbourhood Energy System, which may include but are not limited to agreements which:
 - (i) require buildings within the development to connect to the City-designated Neighbourhood Energy System prior to occupancy, if connection is deemed available and appropriate at the time of development permit issuance, or post-occupancy through a deferred services agreement, or otherwise, at such time that a system becomes available;
 - (ii) grant the operator of the City-designated Neighbourhood Energy System access to the building(s) mechanical system and thermal energy system-related infrastructure within the development for the purpose of enabling Neighbourhood Energy System connection and operation, on such terms and conditions as may be reasonably required by the Applicant; and
 - (iii) provide for adequate and appropriate dedicated space to be utilized for an energy transfer station connecting the building(s) to the City-designated Neighbourhood Energy System.

Note to Applicant: Until a City-designated Neighbourhood Energy System utility provider has been identified, the Owner will be prohibited from entering into any energy supply contract for thermal energy services, other than conventional electricity and natural gas services, unless otherwise approved by the General Manager of Engineering Services.

Housing

8. Make arrangements to the satisfaction of the Managing Director of Social Development and the Director of Legal Services to enter into a Housing Agreement securing all residential units as for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years and life of the building, subject to the following additional conditions:
 - (i) No separate-sales covenant;
 - (ii) A non-stratification covenant;

- (iii) None of such units will be rented for less than one month at a time;
- (iv) At least 25% of the units must have two or more bedrooms and be designed to meet the City's "High Density Housing for Families with Children Guidelines";
- (v) A rent roll indicating the proposed initial monthly rents for each rental unit;
- (vi) A covenant from the owner to, prior to issuance of an occupancy permit, submit a finalized rent roll to the satisfaction of the Managing Director of Social Development and the Director of Legal Services that reflects the initial monthly rents as of occupancy in accordance with the Housing Agreement on either a per unit or a per square foot basis; and
- (vii) Such other terms and conditions as the Managing Director of Social Development and the Director of Legal Services may in their sole discretion 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.

Public Art

9. Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager (a checklist will be provided).

Note to Applicant: Please contact Bryan Newson, Program Manager, 604.871.6002, to discuss your application.

Soils

10. If applicable:
 - (i) Submit a site profile to the Environmental Planning, Real Estate and Facilities Management (Environmental Contamination Team);
 - (ii) 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
 - (iii) 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 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th Avenue)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s), 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 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 [assigned Schedule "B" (C-3A)], generally as set out in Appendix C of the Policy Report dated January 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th 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 Schedule B of the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated January 12, 2015, entitled "CD-1 Rezoning: 275 Kingsway (333 East 11th 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 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 - 275 Kingsway (333 East 11th Avenue)]