



## POLICY REPORT

Report Date: July 6, 2018  
Contact: Karen Hoesse  
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VanRIMS No.: 08-2000-20  
Meeting Date: July 10, 2018

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Rezoning: 3070 Kingsway

### **RECOMMENDATION**

- A. THAT the application, by Conwest Ventures Ltd. on behalf of 3070 Kingsway Inc., to rezone 3070 Kingsway [LOTS 1 AND 2, EXCEPT PART IN REFERENCE PLAN 2424, BLOCK 16 DISTRICT LOT 37 PLAN 3952; PIDs 011-986-549 and 011-986-565 respectively] from C-2 (Commercial) to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 3.48 and the building height from 13.8 m (45.3 ft.) to 21.5 m (70.5 ft.) to permit the development of a six-storey mixed-use building and three-storey townhouses at the lane with commercial at grade and 40 for-profit affordable rental housing units, be referred to a Public Hearing, together with:
- (i) plans prepared by GBL Architects, received November 10, 2017;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the 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 the 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 zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.

- C. THAT, if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1, 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 approval of the rezoning application, 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 3070 Kingsway from C-2 (Commercial) to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building and three-storey townhouses at the lane, with 286.7 sq. m (3,086 sq. ft.) of commercial floor area at grade, and 40 secured for-profit affordable rental housing units over one level of underground parking. A height of 21.5 m (70.5 ft.) and an FSR of 3.48 are proposed.

Staff has assessed the application and conclude that it meets the intent of the *Secured Market Rental Housing Policy*. The application is also consistent with the Development Cost Levy (DCL) By-law definition of “for-profit affordable rental housing” for which DCLs may be waived, as well as with the Parking By-law definition of “secured market rental housing” for which a reduced parking requirement may be applied.

If approved, the application would contribute 40 for-profit affordable rental housing units towards achieving the City’s affordable housing goals as identified in the *Housing Vancouver Strategy*. Staff recommends the application be referred to a Public Hearing, with the recommendation of

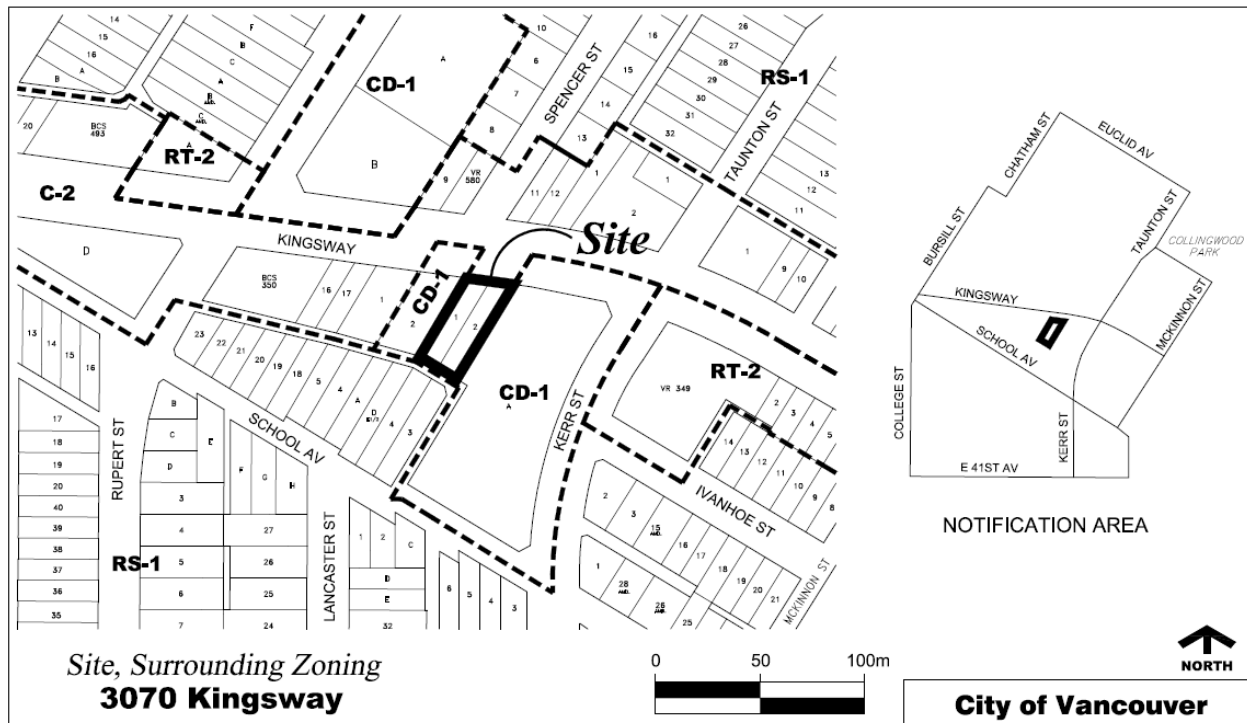
the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the Public Hearing, along with the conditions of approval outlined in Appendix B.

**COUNCIL AUTHORITY/PREVIOUS DECISIONS**

Relevant Council Policies for this site include:

- Secured Market Rental Housing Policy (Rental 100) (2012)
- Housing Vancouver Strategy (2017)
- Rental Incentive Guidelines (2012, amended 2018)
- C-2 District Schedule and guidelines (1996, amended 2016)
- Renfrew-Collingwood Community Vision (2004)
- High-Density Housing for Families with Children Guidelines (1992)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- Green Buildings Policy for Rezoning Projects (2010, last amended 2017)
- Community Amenity Contributions through Rezoning Projects (last amended 2017)
- Vancouver Development Cost Levy By-law No. 9755 (2008, last amended 2017)

**Figure 1: Site and Surrounding Zoning**



## **REPORT**

### **Background/Context**

#### **1. Site and Context**

This 1006.8 sq. m (10,837.20 sq. ft.) site is on the south side of Kingsway, between Kerr Street and Rupert Street (see Figure 1). The site is comprised of two legal parcels with a frontage of 23.00 m (75 ft.) along Kingsway. The irregular wedge-shaped site is 43.84 m (144 ft.) at the west of the site, and 52.91 m (174 ft.) at the east of the site.

Kingsway is a primary arterial street and part of the Metro Vancouver's frequent transit network. The site is well served by regular transit. The site is currently developed with a one-storey commercial building with surface parking.

The site is located in the Renfrew-Collingwood Community Vision area. The surrounding context includes a mix of C-2, RT-5, RS-1 and CD-1 zoning. The site to the west, CD-1 (677), has been approved under the Secured Market Rental Housing Policy, commonly known as Rental 100, for a six-storey, 32-unit secured rental housing building. On the 1.5-acre site to the east, CD-1(176), is the three-storey Synala Housing Co-Op, built in 1987.

#### **2. Policy Context**

**Secured Market Rental Housing Policy** – In May 2012, Council approved the *Secured Market Rental Housing Policy*, commonly known as the Rental 100 policy, which provides incentives for new developments where 100 per cent of the residential floor space provided is non-stratified 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. Rezoning applications considered under this policy must meet a number of criteria regarding affordability, security of tenure, location and form of development.

**Rental Incentive Guidelines** – The intent of the *Rental Incentive Guidelines* is to inform the way in which rental incentives, taken at the applicant's discretion, are applied to specific projects. Applications made under section 1.2 of the *Secured Market Rental Housing Policy* are eligible for additional floor area subject to urban design review, parking relaxations, a Development Cost Levy (DCL) waiver for the residential rental floor area of the project, and relaxation of unit size provided that the design and location of the unit provides satisfactory living accommodation. For sites zoned C-2, the guidelines provide general direction for consideration of additional height up to six storeys with a commensurate achievable density.

**Housing Vancouver Strategy (2017)** – In November 2017, Council approved the Housing Vancouver Strategy (2018-2027) and the 3-Year Action Plan (2018-2020). The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The Housing Vancouver targets were based on the core goals of retaining diversity of incomes and households in the city, of shifting housing production towards rental to meet the greatest need, and of coordinating action with partners to deliver housing for the lowest income households. Overall, 72,000 new homes are targeted for the next 10 years, including 12,000 social, supportive and non-profit co-operative units and 20,000 purpose-built rental units. Nearly 50% of the new units will serve households earning less than \$80,000 per

year, and 40% will be family-size units. This application will contribute towards the targets for purpose-built market rental units and units for families.

**C-2 District Schedule and Guidelines** – The intent of the C-2 District Schedule is to provide for a wide range of commercial uses serving both local and city-wide needs, as well as residential uses, along arterial streets. Building design that furthers compatibility among uses, ensures livability, limits impact on adjacent residential sites, and contributes to pedestrian interest and amenity is emphasized by the schedule and its associated urban design guidelines. Although this application proposes an increase in building height beyond that allowed by the existing C-2 regulations, the mixed-use form and the proposal for secured rental housing is considered to be in keeping with the land use intent for the area.

**Family Room: Housing Mix Policy for Rezoning Projects** – In July 2016, Council approved Family Room: Housing Mix Policy for Rezoning Projects, which increased the requirement for family units with two or more bedrooms in rental housing projects from a minimum of 25% to 35%. This application proposes 37.5% of the total residential units as having two or more bedrooms.

**High-Density Housing for Families with Children Guidelines** – The intent of the guidelines is to address key issues of the site, building, and unit design to achieve livability objectives for families with children. The guidelines provide direction on project planning, project design, unit design and amenity areas.

## **Strategic Analysis**

### **1. Proposal**

This application proposes a six-storey mixed-use building with commercial at grade and 40 for-profit affordable rental housing units above (see Figure 2), over one level of underground parking accessed from the rear lane. The proposed building height is 21.5 m (70.5 ft.) and the proposed density is 3.48 FSR.

**Figure 2: View of the Proposed Development from Kingsway (looking south)**

## 2. Housing

The Housing Vancouver Strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types, shifting housing production towards rental to meet the greatest need, and coordinating action with partners to deliver housing for the lowest income households. The Rental 100 program plays a critical role in the achievement of those targets by helping to realize secured market rental housing. Rental housing provides a more affordable housing option for nearly half of Vancouver's population and contributes to a number of City initiatives intended to create diverse and sustainable communities. Rental 100 units are targeted to moderate-income households and the program extends throughout all parts of the city, thereby providing options that are more affordable than home ownership.

The Rental 100 program provides various incentives to be taken at the applicant's discretion to assist with a project's viability. These incentives, where the units qualify as secured for-profit affordable rental housing, include increased height and density, parking reductions and a Development Cost Levy (DCL) waiver. Housing staff have evaluated this application and have determined that it meets the objectives of the Rental 100 program.

This application meets the requirement of the Rental 100 program by proposing 100% of the residential floor area as for-profit affordable rental housing. The proposal would deliver 40 for-profit affordable rental housing units in the form of studio, one-bedroom, two-bedroom and three-bedroom units. On July 13, 2016, Council adopted Family Room: Housing Mix Policy in

Rezoning Projects. The policy includes new family housing requirements which increase the number of family units in rental projects from 25% to 35%. This application would deliver 15 family units (37.5%) comprised of 11 two-bedroom and four three-bedroom units, thereby meeting the 35% target of the housing mix policy. These units are to be designed in accordance with the High Density Housing for Families with Children Guidelines

The addition of 40 new secured for-profit affordable rental housing units to the City's inventory of market rental housing contributes toward the Housing Vancouver targets (see Figure 3). Conditions related to securing the units are contained in Appendix B.

**Figure 3: Progress Towards 10-Year Housing Vancouver Targets for Secured Market Rental Housing as of March 31, 2018**

Housing Type	10-YEAR TARGETS (2017-2027)	Units Approved Towards Targets
Secured Market Rental Housing Units	20,000	1,312*

\*Unit numbers exclude the 40 units in this proposal, pending Council's approval of this application

Vancouver has one of the lowest vacancy rates in Canada. In December 2017, the vacancy rate city-wide was 0.9% and the Renfrew-Collingwood neighbourhood was even lower at 0.7%. That means only seven out of every 1,000 market rental units in Renfrew Collingwood were empty and available for rent. A vacancy rate of 3% is considered to be a balanced rental market.

This application includes a mix of unit types. Staff has compared the anticipated initial monthly rents in this proposal to the average monthly costs for newer rental units in the east area of Vancouver, as well as to the estimated monthly costs to own similar units in the area, using 2017 Multiple Listing Service data. When compared to average rents in newer buildings in the east area of Vancouver, the proposed rents are lower for studio units (Figure 4). In terms of the comparison to home ownership costs, the proposed rents in this application will provide an affordable alternative to home ownership, particularly for the larger units.

**Figure 4: Comparable Average Market Rents and Home-Ownership Costs (Eastside)**

	3070 Kingsway Average Proposed Rents	Average Market Rent in Newer Buildings - Eastside (CMHC, 2017) <sup>1</sup>	DCL By-Law Maximum Averages - Eastside (CMHC, 2017) <sup>2</sup>	Monthly Costs of Ownership for Median-Priced Unit – Eastside - (BC Assessment 2017) <sup>3</sup>
Studio	\$1,496	\$1,531	\$1,496	\$2,278
1-bed	\$1,730	\$1,689	\$1,730	\$2,739
2-bed	\$2,505	\$2,284	\$2,505	\$3,817
3-bed	\$3,365	No data available	\$3,365	\$5,432

1. Data from the October 2017 CMHC Rental Market Survey for buildings completed in the year 2008 or later on the Eastside of Vancouver.

2. For studio, 1-, 2-, and 3-bedroom units, the maximum DCL rents are the average rents for all residential units built since the year 2005 in the City of Vancouver as published by CMHC in the fall 2017 Rental Market Report.
3. Based on the following assumptions in 2017: median of all BC Assessment recent sales prices in Vancouver Eastside in 2017 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150 -250 monthly strata fees and monthly property taxes at \$2.56 per \$1,000 of assessed value.

The dwelling units in this application would be secured as for-profit affordable rental through a Housing Agreement with the City for the longer of the life of the building and 60 years. Covenants will be registered on title to preclude the stratification and/or separate sale of individual units. The proposed average starting rents, as set out in Figure 4, will be secured through the Housing Agreement. The DCL By-law allows for rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum allowable increases under the Province's Residential Tenancy Regulation. A final rent roll that sets out the initial monthly rents for all units will be required prior to issuance of the occupancy permit in order to ensure compliance with the maximum increases authorized by the DCL By-law. After occupancy, rent increases are regulated by the Residential Tenancy Act.

Through the Development Permit application process, the City will ensure that average unit sizes do not exceed the maximum thresholds set out in the DCL By-law.

### **3. Density, Height and Form of Development** (refer to drawings in Appendix E)

Under the Rental Incentive Guidelines for C-2 sites pursuing rezoning under the Rental 100 policy, additional density and height beyond the 2.50 FSR and four-storey limits of the C-2 zoning may be considered; up to six storeys with commensurate achievable density.

The application proposes a six-storey, mixed-use building, with retail use at the ground level and residential units above, in a courtyard scheme with a three-storey 'townhouse' component at the lane. The residential entrance is located off Kingsway, with the access to the lower townhouses directly from the courtyard level, and to the upper townhouses from external courtyard stairs. Design development conditions call for the removal of the external stairs due to potential privacy and horizontal angle of daylighting concerns.

Proposed density was increased through the rezoning review process from 3.27 to 3.48 FSR to account for internal stairs which had previously been excluded from calculations. Also the building height was increased from 18.3 m to 21.5 m, to accommodate sustainability considerations and to ensure adequate floor-to-ceiling height at ground level for retail viability.

The C-2 guidelines allow for residential use on the ground floor, provided it is located at the rear of the site and occupies less than 40% of the ground-floor area. The proposal generally meets these requirements; however, design development conditions seek a modification of the courtyard-facing unit due to livability and horizontal angle of daylight concerns.

The C-2 guidelines anticipate a minimum rear-yard setback of approximately 20 feet when dwelling units are proposed off the lane. Due to the depth constraints of this site and the proposed courtyard scheme, it is not possible to achieve both the prescribed C-2 rear-yard setbacks and a minimum 20-foot courtyard separation. Given the courtyard form, staff supports the proposed four-foot rear-yard setback at this location.



**Figure 5: View of the Proposed Development from Laneway (Looking North)**



The sixth storey is set back along Kingsway to reinforce the legibility of the envisaged five-storey street wall height. Generally, a four-storey street wall is anticipated along Kingsway, but the five-storey street-wall expression is supported in this instance to match the five-storey street wall expression of the approved rental project directly to the east.

The Urban Design Panel reviewed the application on March 21, 2018 (see Appendix D) and supported it. Panel members were appreciative of the height, density and overall form of development. Staff has concluded that the design meets the expected character of a mixed-use development and the intent of the Rental 100 policy, and therefore supports the application, subject to the conditions outlined in Appendix B. Development statistics are summarized in Appendix H.

#### **4. Transportation and Parking**

The site is very well served by transit. Frequent bus service is available on Kingsway and Rupert Street with additional bus service within 500 m on Joyce Street and 41st Avenue. Joyce-Collingwood SkyTrain Station is 1 km away.

One level of underground parking is accessed from the lane. The proposal meets the requirements of the Parking By-law with 27 vehicle parking spaces, one Class B loading space, 50 Class A bicycle spaces, and 6 Class B bicycle spaces.

## 5. Environmental Sustainability

The *Green Buildings Policy for Rezoning* (amended February 7, 2017) requires that residential rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy. The new requirements are mandatory for all rezoning applications received after May 1, 2017.

This application has opted to satisfy the updated version of the *Green Buildings Policy for Rezoning* under the low emissions green buildings requirements. The low emissions green buildings pathway represents City priority outcomes, establishing limits on heat loss, energy use, and greenhouse gases, and drawing on industry best practices to create more efficient, healthy and comfortable homes and workplaces.

**Integrated Rainwater Management Plan (IRMP)** – In April 2016, Council adopted a long-term target to capture and treat 90% of Vancouver’s average annual rainfall through green infrastructure. The Green Buildings Policy for Rezoning and accompanying Green Buildings Policy for Rezoning Process and Requirements were amended in 2017 to address these objectives. On-site rainwater management is needed to mitigate the impacts of an increase in yearly precipitation rates due to climate change, an increase in development density and a decrease of pervious surfaces. The occurrence of excess rainwater overwhelms the sewer system leading to combined sewer overflows. The use of water-sensitive site design and green infrastructure practices keeps harmful stormwater pollutants from entering our receiving waters and adds resiliency to the City’s drainage system. Conditions related to an Integrated Rainwater Management Plan are contained in Appendix B.

### Public Input

**Public Notification and Community Open House** – A rezoning information sign was installed on the site on December 27, 2017. A total of 762 notifications were distributed within the neighbouring area on or about January 19, 2018. In addition, 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 community open house was held on February 5, 2018, at the Synala Co-op Common Room, 3090 Kingsway. Staff, the applicant team, and a total of five people attended the Open House.

**Figure 6: Public Notification and Responses**

Total notifications	762
Open House attendees	5
Comment sheets	1
Other feedback	6

**Public Response and Comments** – As of June 2018, staff received seven responses, including open house comment sheets, emails, and additional written submissions.

Support for the proposal cited the following:

- Support for additional rental housing;
- Support for the unit mix.

Concerns expressed by respondents included:

- Inclusion of the townhomes at the lane differs from the approved rental development to the west, and could block daylight and cause privacy issues for that development.

**Staff response** – The subject site is significantly deeper than the adjacent site to the west, allowing for the inclusion of townhouses at the lane. There are no windows, balconies or accessible roof space in the proposed development that would overlook the development to the west. Urban design conditions included in Appendix B will ensure any shadow impacts are assessed at the Development Permit Stage. The courtyard townhouse form is a unique typology that is highly supported by staff and the Urban Design Panel, as it provides additional variety of unit types on a site that can support it.

## **PUBLIC BENEFITS**

In response to City policies which address changes in land use and density, this application for rezoning offers the following public benefits:

### **Required Public Benefits**

**Development Cost Levies (DCLs)** – DCLs collected from development help pay for facilities made necessary by growth including parks, childcare facilities, replacement (social/non-profit) housing and various engineering infrastructure.

The site is subject to the City-wide DCL rate of \$149.73 per sq. m (\$13.91 per sq. ft.) for commercial uses and \$168.13 per sq. m (\$15.62 per sq. ft.) for residential uses above 1.50 FSR, effective September 30, 2017. On this basis, the proposed development of 286.70 sq. m (3,086.0 sq. ft.) of commercial will generate a DCL of approximately \$42,926 and 3,221.80 sq. m (34,679.22 sq. ft.) of residential floor area will generate a DCL of approximately \$541,690.

In addition to the City-wide DCL, a new Utilities DCL will be considered by Council on July 11, 2018 to address the need for upgraded water, sewer, and drainage infrastructure as the city continues to grow. The proposed rates under this DCL for commercial floor area is 5.04 per sq. ft. and for residential floor area is \$10.09 per sq. ft, and they would take effect on September 30, 2018. Should this new Utilities DCL apply to this project, the additional DCL would be \$15,553 for the commercial floor area and \$349,913 for the residential floor area, however the in-stream rate protection available to the project might exempt the new Utilities DCL from applying, depending on the timing of development and building permits. The Utilities DCL is subject to the same rate protection and annual adjustment parameters as the City-wide DCL, as explained below.

The applicant has requested a waiver of the DCLs attributed to the for-profit affordable rental housing, in accordance with Section 3.1A of the Vancouver Development Cost Levy By-law (see

Appendix F). The total DCL that would be waived is estimated to be approximately \$541,690, or \$891,603 if the project is not exempt from the new utilities DCL. A review of how the application meets the waiver criteria is provided in Appendix F. The applicant would be responsible for the DCL for the commercial component estimated to be \$42,926, or \$58,479 if the new Utilities DCL is applicable.

DCLs are payable at building permit issuance and their rates are subject to Council approval of an annual inflationary adjustment on September 30 of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit and building permit applications may be at various stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of twelve months from the date of DCL By-law rate amendment provided that it has been submitted prior to the adoption of such DCL By-law rate adjustment. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply.

**Public Art Program** – The *Public Art Policy and Procedures for Rezoned Developments* requires rezoning proposals having a floor area of 9,290 sq. m (100,000 sq. ft.) or greater to contribute public art or provide 80% cash in lieu as a condition of rezoning. As the proposed floor area is below the minimum threshold, no public art contribution will arise from this application.

### **Offered Public Benefits**

**Community Amenity Contribution (CAC)** – Within the context of the City's *Financing Growth Policy*, an offer of a community amenity contribution to address the impacts of rezoning can be anticipated from the owner of a rezoning site. Such a CAC is typically made through the provision of either on-site amenities or a cash contribution towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

On November 29, 2017, City Council approved a CAC policy amendment that exempts CACs on routine, lower density secured market rental rezoning applications that align with the *Secured Market Rental Housing Policy (2012)* and *Rental Incentive Guidelines (2017)*. Staff notes that the application is eligible for CAC exemption.

**Rental Housing** – The public benefit achieved for this application is 40 secured for-profit affordable rental housing units. Real Estate Services staff have reviewed the applicant's development pro forma and have concluded that, after factoring in the costs associated with the provision of secured for-profit affordable rental housing units for the longer of the life of the building or 60 years, no further contribution towards public benefits is anticipated in this instance.

See Appendix G for a summary of all of the public benefits for this application.

### **Financial Implications**

As noted in the Public Benefits section, the public benefit offered for this application is secured for-profit affordable rental units. There are no further cash CACs and public art contributions associated with this rezoning.

It is anticipated that the commercial component of the project will generate approximately \$42,926 in DCLs. Should the new Utilities DCL apply to this project, the additional DCL would be \$15,553. The residential component of the project qualifies for a DCL waiver under Section 3.1A of the Vancouver DCL By-law and the value of the waiver (including the new utilities DCL if applicable) is estimated to be approximately \$891,603.

The for-profit affordable rental housing, secured by a Housing Agreement for the longer of the life of the building or 60 years, will be privately owned and operated, and will contribute to the City's secured rental housing stock.

## **CONCLUSION**

Staff has reviewed the application to rezone the site located at 3070 Kingsway from C-2 to CD-1 to permit development of 40 for-profit affordable rental housing units, and conclude the application is consistent with the objectives of the *Secured Market Rental Housing Policy*. The application qualifies for incentives provided for for-profit affordable rental housing, including additional height and density, a DCL waiver, and a parking reduction. Staff further concludes that the proposed form of development represents an appropriate urban design response to the site and context. If approved, this application would make a significant contribution to the achievement of key affordable housing goals of the City.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to Public Hearing together with a draft CD-1 By-law as generally shown 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 in Appendix B.

\* \* \* \* \*

**3070 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) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
  - (b) Retail Uses, limited to Farmers' Market; Furniture or Appliance Store; Grocery or Drug Store; Liquor Store, Grocery Store with Liquor Store, Public Bike Share, Retail Store, and Secondhand Store;
  - (c) 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, Print Shop, Production or Rehearsal Studio, Repair Shop – Class A, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Wedding Chapel;
  - (d) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
  - (e) Office Uses;

- (f) Cultural and Recreational Uses, limited to Artist Studio, Arcade, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, and Theatre;
- (g) Utility and Communication Uses, limited to Public Utility and Radio Communication Station; and
- (h) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

### **Conditions of Use**

- 3.1 No portion of the first storey of a building, within a depth of 10.7 m of the front wall of the building and extending across its full width, shall be used for residential purposes except for entrances to the residential portion.
- 3.2 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
  - (a) Farmers' Market;
  - (b) Neighbourhood Public House;
  - (c) Public Bike Share;
  - (d) Restaurant; and
  - (e) Display of flowers, plants, fruits and vegetables in conjunction with a permitted use.
- 3.3 The design and layout of at least 35% 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 and Density**

- 4.1 Computation of floor space ratio must assume that the site consists of 1,006.8 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.
- 4.2 The floor space ratio for all uses must not exceed 3.48.
- 4.3 Computation of floor area must include all floors of all buildings, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, 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, except that:
  - (i) the total area of all such exclusions must not exceed 12% of the permitted floor area; and
  - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) 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 that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area; and
- (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

4.5 The use of floor area excluded under section 4.4 must not include any use other than that which justified the exclusion.

**Building Height**

5. Building height, measured from base surface to top of parapet, must not exceed 21.5 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 6.1 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 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement 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 unobstructed view is not less than 3.7 m.

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% of 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 must include an acoustical report prepared by a licensed professional acoustic engineer demonstrating that the noise levels in those portions of the dwelling units listed below will 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 (Leq24) sound level and will be defined simply as noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

\* \* \* \* \*

**3070 Kingsway  
DRAFT 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 Architects and received November 10, 2017, provided that the Director of Planning 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 Director of Planning, who shall have particular regard to the following:

**Urban Design**

- 1. Design development to improve livability by removing the external courtyard stairs. Stair access should be internalized within the townhome development. Removal of the exterior stair also prevents the need for vertical privacy screens which create Horizontal Angle of Daylight concerns.
- 2. Design development to improving the privacy and outdoor open space of the ground-floor two-bedroom/ 817 sq. ft. unit, as the visual access between the bedrooms and the courtyard is a concern.

Note to Applicant: a two-bedroom ground-floor unit that satisfies privacy and daylight expectations for livability may not be possible in this configuration.

- 3. Design development to improve livability by reducing overlook and privacy concerns between units. Recommendations include the use of privacy mitigation techniques such as landscaping, privacy screens or solid guardrails.

Note to Applicant: clearly show this on the drawings.

Note to Applicant: Any changes in courtyard configuration may not result in a reduction in courtyard depth to less than 6.1 m.

- 4. Design development to improve livability by improving the unit design of the western studio units on levels four to six by increasing unit width.

Note to Applicant: The unit appears to be only 6 ft. wide in places, a unit of this width is not supportable; consideration to combine the 469 sq. ft. and 443 sq. ft. units into one unit.

- 5. Design development to improve livability by exploring additional daylight access to the western studio units on levels four to six.

Note to Applicant: if the units are combined, recommendation is to add additional glazing to the south east facing wall.

6. Confirm that the Horizontal Angle of Daylight requirements of the C-2 District Schedule and C-2 Design Guidelines are met (see Appendix A, condition 6.2).

Note to Applicant: clearly show this on the drawings.

7. Design development to enhance the quality of the lane and considering the treatment of the transformer and utility spaces.

Note to Applicant: Provide 4 ft. landscaping treatment in the rear setback.

8. Design development to improve circulation and access by reconfiguring the internal circulation space to provide direct access between the commercial loading bay and the commercial units and to limit impact on residential units.
9. Design development to improve circulation and access by provision of residential corridors that are not overly long or circuitous; residential corridors should be adequately sized to facilitate the moving of furniture.

Note to Applicant: It is recommended to incorporate a circulation route directly from the lobby to the courtyard along the east wall. This may require reconfiguration of the amenity space.

10. Design development to more clearly articulate and identify the residential entrance along of Kingsway. This may be achieved through the incorporation of distinctive materials, lighting, signage and or canopy treatments.

Note to Applicant: Bicycle racks should be located away from the front entry in order to enhance the entry experience and decrease potential CPTED concerns.

11. Design development to consider the architectural treatment of
  - (i) the east wall adjacent to existing co-op development.
  - (ii) the west wall next to the level two deck space of the adjacent six-storey development.

Note to Applicant: Walls exposed for the foreseeable future are to be treated with an increased quality of materiality and expression.

12. Design development to consider the impact of shadowing on the development to the west.

Note to Applicant: show the adjacent western property's proposed level two floor plan and deck space in the shadow analysis drawings.

13. Weather protection should be continuous across façade (including residential entrance).

Note to Applicant: clearly show extent of weather protection above on the ground level floor plan. Provision of canopy details and sections is recommended for the development permit submission package.

### **Affordable Housing**

14. That the proposed unit mix, 28% 2-bedroom units and 10% 3-bedroom units be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

15. The building is to comply with the High Density Housing for Families with Children Guidelines, and include a common amenity room with kitchenette and accessible washroom.

Note to Applicant: Indoor and outdoor common amenity areas should be adjacent to one another and have direct visual and physical connection between them.

16. Prior to issuance of development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market rental housing is being provided as part of the City of Vancouver's initiatives. Sign design, format, and location to be approved by the City.

### **Engineering**

17. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.
18. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
19. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
20. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching

portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

21. Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent the lane.
22. Clearly show the existing property line and the proposed SRW line on the site and landscape plans.
23. Development to be serviced to the existing storm and sanitary sewers on Kingsway.
24. Provision of a separate application to the General Manager of Engineering Services for any canopy/awning encroaching over public property. Note canopies are to be fully demountable and drained to the buildings internal drainage systems and should consider the final sidewalk location and widths such that the drip line is achieving maximum and continuous weather protection for the sidewalk users.
25. Please place the following statement on the landscape plan; *This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.*
26. Please update the landscape and/or site plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the site and/or landscape plans. Please submit a copy of the updated plan to engineering for review.
27. Provision of automatic door openers on the doors providing access to the bicycle room.
28. Provision of a plan showing the access route for the Class A bicycle spaces to reach the outside.

Note to Applicant: The route must be 'stairs free' and confirm the use of the parking ramp, if required.

29. Design development to improve the parkade layout, the loading and the access design and compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including:
- (i) Provision of a warning light system for the single lane ramp.  
  
Note to Applicant: A qualified Transportation Engineer to provide details on the system and the design to also include cyclist use, if the ramp is to be used for Class A bicycle access. The locations of all lights, signs and detection devices to be shown on the Architectural drawings.
  - (ii) Provision of a 6.6 m (21.66 ft.) vehicle maneuvering aisle width or provide 2.74 m (9 ft.) stall widths.
  - (iii) Provision of a security gate for the residential parking.  
  
Note to Applicant: 2.3 m vertical clearance is required at the gate for access and manoeuvring to disability parking.
  - (iv) Provision of a double load throat for the Class B loading bay.
  - (v) Provision of an overhead door at the rear of the loading bay for loading operations.
  - (vi) Provision of minimum 3.5m vertical clearance for the Class B loading.
  - (vii) Provision of stair free loading access from the Class B loading bay to the commercial unit.
  - (viii) Label Class B loading Bay as shared use Residential and Commercial.
30. The following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review of compliance with the Parking and Loading Design Supplement and the Bicycle Parking Design Supplement:
- (i) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
  - (ii) All types of parking and loading spaces individually numbered, dimensioned, and labelled on the drawings.
  - (iii) Section drawings showing elevations, vertical clearances for: parking levels, loading bays, ramps, and security gates with mechanical projections. Label minimum clearance for parking levels on drawing, including overhead gate and mechanical projections.
  - (iv) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances. The

slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.

- (v) Dimension all columns encroaching into parking stalls.
- (vi) Dimension the drive aisle at the parkade entrance, the gates and the manoeuver aisles.
- (vii) Additional setbacks of parking spaces from walls to be dimensioned on drawings.
- (viii) Legal survey of the laneway showing the location of all poles and guy wires.

### Landscape Design

31. Resolution of the conflict with the proposed development and the row of offsite trees at the south edge;

Note to Applicant: It has been acknowledged that the offsite trees are in conflict with the proposed building and a neighbor consent letter is on file that provides consent for the removal of the trees. The neighbor consent letter also declares that the trees will not be replaced and a proposed re-landscape plan has been shared between parties. At time of writing, staff is not aware of any city approvals in place to review or approve the re-landscaping intent. At time of development permit application, a tree removal permit application must be made for # 3090 Kingsway, subject to review. Staff is aware that issuing a tree removal permit may place the owners of # 3090 Kingsway in contravention of their approved landscape plan. Therefore, unless an approved re-landscape plan can be presented, development permit issuance for # 3070 Kingsway is conditional upon a minor amendment application (development permit) be in place and approvable for # 3090 Kingsway, to address the landscape changes. In the event the conflict cannot be resolved, for whatever reason, design development may be needed to retain the trees or accommodate new landscaping.

32. Provision of detailed **architectural and landscape** cross sections (minimum 1/4" inch scale) through the common open space and the lane planting;

Note to Applicant: Illustrate the slab design and location, the soil profile, root ball and any associated landscaping. For, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

33. Provision of plan details and documentation/calculations that support achievement of storm water targets and integrated rainwater management, including absorbent landscapes, soil volumes and detention systems;

Note to Applicant: landscape related solutions and detention systems should be shown on the plan. The consultant should provide detailed calculations to

describe how the various best management practices contributed to the quality and quantity targets.

34. Provision of a detailed "Tree Management Plan";
35. Provision of new street trees adjacent to the development site, where applicable;

Note to Applicant: Street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. 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 as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm 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*".

36. Provision of an outdoor Lighting Plan;

Note to Applicant: Consider "CPTED" principles and avoid any lighting that can cause glare to residential uses.

### **Sustainability**

37. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin Green Buildings Policy for Rezoning – Process and Requirements (amended April 28, 2017 or later).

### **Crime Prevention Through Environmental Design (CPTED)**

38. 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.

## 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 and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management 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 1 and 2, Both Except Part in Reference Plan 2424, Block 16, District Lot 37, Plan 3952 to create a single parcel.
2. Provision of a Statutory Right of Way for public pedestrian use of an expanded sidewalk over the area of the site adjacent to the north property line to give an overall distance of 5.5 metres (18 ft.) from the existing back of curb. The SRW is to be free of any encumbrance such as structure, stairs, door-swings and benches at-grade but the SRW agreement will accommodate underground parking Level P1 and portions of building levels two to six within the SRW area.

Note to Applicant: Feature paving proposed on Kingsway to be removed from SRW.

3. Release of Easement & Indemnity Agreement 521167M (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 shared use agreement to the satisfaction of the General Manager of Engineering Services for the Class B loading space between the retail and residential uses and which loading space will be labelled as 'Residential and Commercial Loading'.

Note to Applicant: The shared use agreement should specify allocated time periods for shared use by residential vs. commercial units.

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 are provided.

- (i) Provision of adequate water service to meet the fire flow demands of the project. Based on an estimate of the development's water demands, the water system should be adequate to service the development. No upgrades currently noted. Supply project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, Water Supply for Public Fire Protection, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required. Should review of the confirmed project details deem upgrading is 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.

Note to Applicant: The above analysis assumes the proposed building will *not* utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid. Contact Water Design for further details.

- (ii) Provision of a fire hydrant fronting the development to be installed.
- (iii) The post development 10-year flow rate discharged to the sewer shall be no greater than the 10-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF Curves, whereas the post development estimate shall utilize the 2100 IDF curves to account for the climate change.
- (iv) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

Note to Applicant: As-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.

- (v) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (vi) Provision of lane lighting on standalone poles with underground ducts.

- (vii) Provision of a new 1.53 m (5 ft.) exposed aggregate front boulevard, 0.31 m (1 ft.) building strip, and light broom finish saw cut concrete sidewalk between the front boulevard and building strip.
  - (viii) Removal of existing driveway crossing on Kingsway and provision of new curb and gutter.
  - (ix) Provision of street trees adjacent the site where space permits.
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 not limited to System Vista, Vista switchgear, pad mounted transformers, LPT 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.

In addition, 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.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Please confirm that this space has been allocated and agreement between both parties has been met.

### **Green Infrastructure**

- 7. Provision of a detailed response toward the Integrated Rainwater Management Plan (IRMP) requirements outlined in the “Green Buildings Policy for Rezoning”.
- 8. Provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for infiltration, cleaning and safe conveyance, prepared by a subject matter expert (Engineer), subject to review.
  - (i) In this instance of a zero lot line design staff will consider:
    - A. The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration volume;
    - B. Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems.
    - C. The second 24 mm of rainfall within 24 hours as a water quality volume to be treated;
  - (ii) Staff does not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the first and second 24mm of runoff being directed towards these absorbent areas, and this being

clearly demonstrated. The subsequent safe conveyance of rainfall surpassing 48mm in 24 hours will also need to be demonstrated;

- (iii) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
- (iv) Provide outline area/volume calculations to support the overall rainwater management strategy. Include the area measurement for all pervious/impervious areas and demonstrate that each of the receiving infiltration/treatment areas can accommodate the proposed runoff volumes without being inundated;
- (v) Detention tanks shall be considered only where alternative approaches to rainwater retention prove unacceptable. Where detention tanks are to be proposed they should be considered for storing water for alternative uses on site.
- (vi) Staff does not accept the inclusion of off-site areas in calculations for infiltration and/or treatment.
- (vii) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices.
  - A. Planters designed as flow-through planters can be used to meet the treatment volume requirement;
  - B. Consider increasing the depth of soil throughout planted areas and include shallow ponding depths within the planted areas as part of the calculations.

Note: The building/public realm should be designed to show leadership in the City's commitment to Green Building systems including an integrative approach to rainwater management to minimize potable water use and encourage the use of alternative water sources in areas such as toilet flushing and irrigation.

Note: Legal arrangements may be required to ensure on-going operations of certain stormwater storage, rainwater management and green infrastructure systems.

### **Affordable Housing**

- 9. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services (or successor in function) 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 or the life of the building, and subject to the following additional conditions:
  - (i) A no separate-sales covenant;

- (ii) A no stratification covenant;
- (iii) That none of such units will be rented for less than one month at a time;
- (iv) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into and again prior to development permit issuance;
- (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

<b>Unit Type</b>	<b>3070 Kingsway Average Starting Rents</b>
Studio units	\$1,469
1-bedroom	\$1,730
2-bedroom	\$2,505
3-bedroom	\$3,365

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts Culture and Community Services (or successor in function) and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by Section 3.1B(c) of the Vancouver Development Cost Levy By-law.
- (vii) Such other terms and conditions as the General Manager of Arts Culture and Community Services (or successor in function) and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Section 219 Covenant and a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

### **Environmental Contamination**

10. If applicable:

- (i) Submit a site profile to the Environmental Protection Branch (EPB);
- (ii) 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

- (iii) If required by the Manager of Environmental Protection 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, 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 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 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-laws.

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.

\* \* \* \* \*

**3070 Kingsway**  
**DRAFT CONSEQUENTIAL AMENDMENTS**

Note: By-laws will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

**DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 11879**

Amend Schedule A (CD-1 Zoning Districts Regulated by Part 9) by adding the following:

“3070 Kingsway            [CD-1 #]            [By-law #]            C-2”

**DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW NO. 6555**

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

“[CD-1#]            [By-law #]            3070 Kingsway”

\* \* \* \* \*

**3070 Kingsway  
ADDITIONAL INFORMATION**

**Urban Design Panel: February 21, 2018**

**EVALUATION: No Evaluation due to lack of quorum**

**Introduction**

Simon Jay, Rezoning Planner, introduced the project as one midblock lot, on the south side of Kingsway between Kerr and Rupert Streets, in Renfrew Collingwood, and in the Collingwood BIA. The current zoning is C-2 and the site is currently occupied by a 1-storey commercial building. The site is a wedge shape, with an approximate area of 1000m<sup>2</sup>. Kingsway is a primary arterial street. Next door to the east is the Synala Housing Co-Op (CD-1), and to the west is a proposed 6 storey, 32 unit, Rental 100 building, currently in building permit review. To the south of the lane is RS-1. Joyce Collingwood station is 1km to the NE.

The proposal is being considered under the Secured Market Rental Housing Policy (commonly called Rental 100), which allows for consideration up to 6 storeys on C-2 sites. The application submitted on behalf of Conwest, is to amend the existing C-2 zoning to CD-1 to permit a 6 storey mixed use development fronting Kingsway and a 3 storey townhouse component at the rear, with one level of underground parking accessed from the lane. It includes 40 secure market rentals units, a unit mix of 37% 2 and 3 bed family units, and commercial at grade. This application proposes an FSR of 3.27.

Karen Campbell, Development Planner, introduced the project. The proposal is on a double lot with a slight grade rise of approximately 4% along Kingsway; the site is relatively flat with approximately a 2% slope to the lane. The lot has a 75 ft. long frontage along Kingsway and is approximately 173 ft. deep on the longer side (east) and approximately 143 ft. deep on the shorter side (west).

In addition to the site context provided by Simon Jay, the Synala Housing co-op (located to the east) does not qualify for rezoning under the Rental 100 Policy and is anticipated to be a long term two storey development.

Under the Rental 100 Policy, we anticipate a height of up to 6 storeys. In the C-2 policy, we anticipate: a height up to 4 storeys (45 ft.) max height and density up to 2.50 FSR.

The C-2 guidelines anticipate commercial use at grade, but allow for some residential use on the ground floor (provided it is at the rear of the site and occupies less than 40% of the ground floor area). The C-2 guidelines have a prescribed building formation.

This formation anticipates: a front yard step of 8 ft. back above 35 ft. (4.4.1(ii)), a stepping formation that decreases in height from the street to the lane (with a maximum height of 15 feet prescribed at the lane), and a rear yard setback of 20 ft. when residential units are located at the rear of the site.

The Development consists of a Courtyard scheme with a 3 storey 'townhouse' formation at the lane and 6 storey massing along Kingsway. There is one level of underground parking, accessed from the lane (west). The primary residential entrance is located off Kingsway. The



townhome formation consists of 2 one bedroom units at grade and 4 two storey 3 bedroom units above. Primary access is from the courtyard.

The townhomes have a rear yard setback of 4 feet from the lane. Typically in C-2 projects we anticipate a 20 ft. setback from lane for residential units, however, due to the depth of this site, it is not possible achieve both the typical C-2 rear yard setbacks and the minimum 20 ft. courtyard separation. An indoor Amenity space on level one is co-located to the courtyard.

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

1. Overall form of development (considering height, density, massing, setbacks, streetscape and context).
2. Quality of the courtyard design (considering liveability, obstructions, privacy, access to daylight, and circulation).
3. Quality of the ground floor units (considering overall livability, proximity to lane, circulation, and privacy). The planning team then took questions from the panel.

### **Applicant's Introductory Comments**

The site has two openings so the neighbouring sites were considered. The applicant wanted to propose a townhouse development and a courtyard, and the lane was considered as a transition to the back of the site. Horizontal lines were considered at the Kingsway side of the site. There is a clean geometry at Kingsway, at the back of the site the amenity space is connected to the entry of the building.

The courtyard is meant to be simple and open with a fair amount of sun and taller trees. There will be outdoor heating, garden, and ferns. There are some small kids play areas in the design. The site has energy modeling completed and under target for the rezoning at the site for sustainability. The window to wall ratio is good. Approval has been granted to remove some of the trees on the site.

The applicant team then took questions from the panel.

### **Panel Consensus: No evaluation due to lack of quorum**

### **Related Commentary**

The concept is supported. The courtyard should work or the centre of the project is lost. The people who live there are the centre of the project. Take a closer look at the townhouse design. It is too large. Consider the east wall that is looking onto the townhouses. It is too much blank wall at the living units. Consider breaking up the blank wall. Mitigate the stairs to lighten them. Consider flipping around the living units so they overlook the amenity space. The patios on the back lane should be big enough for table and chairs. Break up the commercial spaces. The stepping down of the building is appreciated. The studio is in the wrong location.

The courtyard typology is appreciated. However, the courtyard does not need to be sacrificed for bulky units. A panel member mentioned the courtyard should be more visual to buffer between the two buildings for privacy. Consider the stairs, as they are competing in the space in the courtyard. The amenity space should be a 'true' amenity space considering the family housing. Make the laneway shorter if possible. The staircase could use privacy screens.

## Applicant's Response

The applicant team thanked the panel.

\* \* \* \* \*

## Urban Design Panel: March 21, 2018

### EVALUATION: SUPPORT with Recommendations

#### Introduction

Simon Jay, Rezoning Planner, introduced the site as a site on one midblock lot, on the south side of Kingsway between Kerr and Rupert Streets, in Renfrew Collingwood, and in the Collingwood BIA. The current zoning is C-2 and the site is currently occupied by a 1-storey commercial building. The site is a wedge shape, with an approximate area of 1000m<sup>2</sup>.

To the south of the lane is RS-1. Next door to the west is a proposed 6 storey, 32 units, Rental 100 building, currently in building permit review. To the east is the Synala Housing Co-Op (CD-1). The Coop is considered rental housing so cannot be redeveloped under Rental 100. However it could potentially be considered for redeveloped under existing City of Vancouver pilot projects.

The rezoning proposal is being considered under the Secured Market Rental Housing Policy (commonly called Rental 100), which allows for consideration up to 6 storeys on C-2 sites.

The rezoning application submitted on behalf of Conwest, is to amend the existing C-2 zoning to CD-1 to permit a 6 storey mixed use development fronting Kingsway and a 3 storey townhouse component at the rear, with one level of underground parking accessed from the lane. It includes 40 secure market rentals units and commercial at grade. This application proposes an FSR of 3.27.

Karen Campbell, Development Planner, introduced the project as on a double lot with a slight grade rise of approximately 4% along Kingsway; the site is relatively flat with approximately a 2% slope to the lane. The lot has a 75 ft. long frontage along Kingsway and is approximately 173 ft. deep on the longer side (east) and approximately 143 ft. deep on the shorter side (west).

In addition to the site context provided by Simon Jay, the Synala Housing co-op (located to the east) does not qualify for rezoning under the Rental 100 Policy and is anticipated to be a long term two storey development.

Under the Rental 100 Policy, we anticipate a height of up to 6 storeys. In the C-2 policy, we anticipate: a height up to 4 storeys (45) max height and density up to 2.50 FSR.

The C-2 guidelines anticipate commercial use at grade, but allow for some residential use on the ground floor (provided it is at the rear of the site and occupies less than 40% of the ground floor area).

The C-2 guidelines have a prescribed building formation. This formation anticipates: a 15 ft. max. height for the first 20 ft. from the lane, then steps up to a maximum 35 ft. height for the next 15 ft. before extending to full 45 ft. height.

The Development consists of a courtyard scheme with a 3 storey 'townhouse' formation at the lane and 6 storey massing along Kingsway. There is one level of underground parking, accessed from the lane. The primary residential entrance is located off Kingsway. The townhome formation consists of 2 one bedroom units at grade and 4 two storey 3 bedroom units above. Primary access is from the courtyard.

The townhomes have a rear yard setback of 4 feet from the lane. Typically in C-2 projects we anticipate a 20 ft. setback from lane for residential units, however, due to the depth of this site, it is not possible achieve both the typical C-2 rear yard setbacks and the minimum 20 ft. courtyard separation. An indoor Amenity space on level one is co-located to the courtyard.

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

1. Overall form of development (considering height, density, massing, setbacks, streetscape and context).
2. Quality of the courtyard design (considering liveability, obstructions, privacy, access to daylight, and circulation).
3. Quality of the ground floor units (considering overall livability, proximity to lane, circulation, and privacy).

The planning team then took questions from the panel.

### **Applicant's Introductory Comments**

See the previous presentation notes from February 21, 2018 UDP Minutes. Note the rezoning application status, so there is still room for more information, so the use, density and form of development advice is sought. The podium will have loading, garbage space and access to underground parking. Townhouses at the back are proposed. The transition between the neighbouring sites is meant to be seamless. The relationship to the building to Kingsway is different, with a cleaner look, than the relationship to the lane and neighbours. The building to the back is a more 'granulated' design with different shapes and textures. Along Kingsway there is a 5.5 meter setback from the property line.

The courtyard has a perimeter landscape and could be used as an outdoor dining area.

The applicant team then took questions from the panel.

### **Panel Consensus**

Having reviewed the project it was moved by Ms. Parsons and seconded by Mr. Wen and was the decision of the Urban Design Panel:

THAT the Panel SUPPORT the project after incorporating the following recommendations to be reviewed by City Staff:

- Consider the transformer and utility spaces at the back
- Consider the balance and proportion of the commercial and residential units to improve the courtyard
- Eliminate stairs where possible
- Improve the east wall with art and /or materiality and / or landscaping
- Consider the residential entry experience with regards to CPTED.

**Related Commentary**

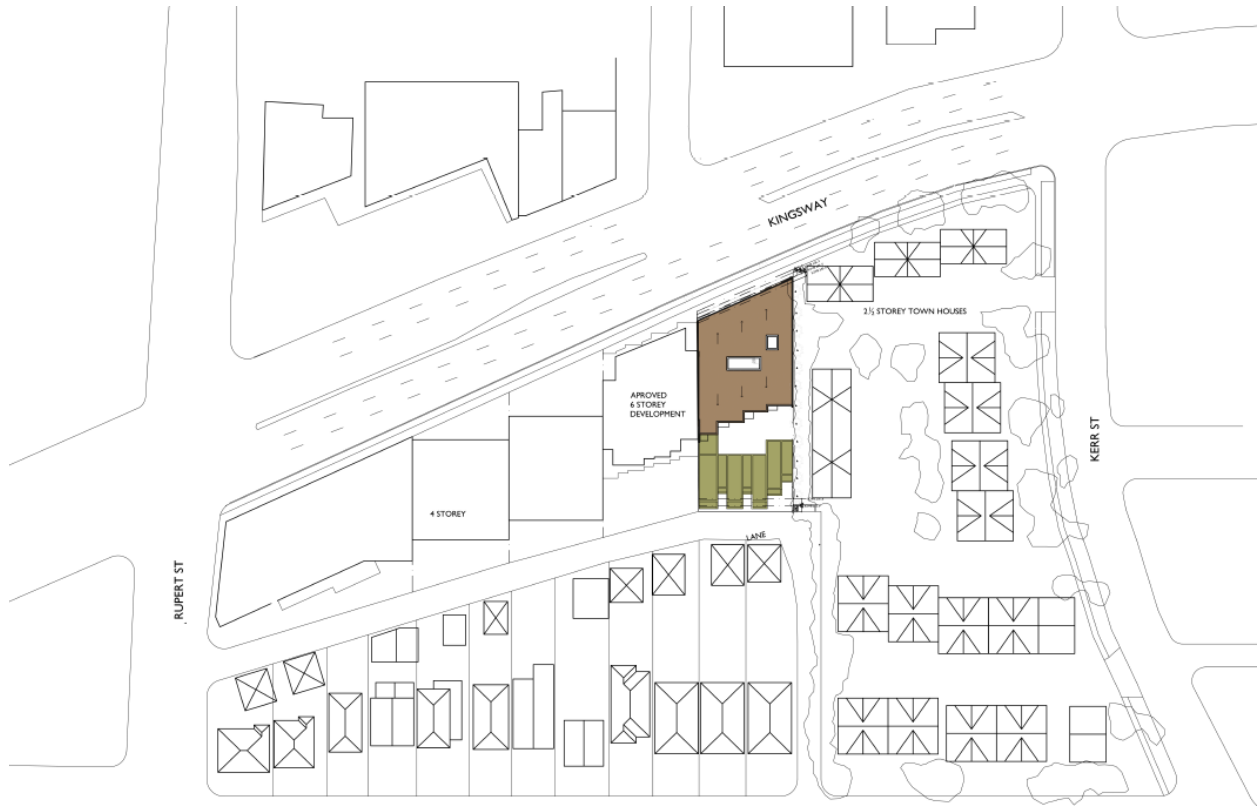
The massing is appreciated, height and density and use. The form of development and lower massing is appreciated. Some of the units are very deep and there are no privacy issues. The typology is very positive. It is a unique type of project. The townhouse addition is a good precedence. Consider trying to eliminate the stairs. Improve the entry experience. Consider the entry to the commercial space, including signage, lighting etc. Consider the horizontal angles of daylight. Improve the daylight access by tweaking the dimensions of the massing. Try to get more light into the courtyard perhaps by adjusting the townhome height.

**Applicant's Response**

The applicant team thanked the panel.

\* \* \* \* \*

### 3070 Kingsway FORM OF DEVELOPMENT DRAWINGS



Site Plan



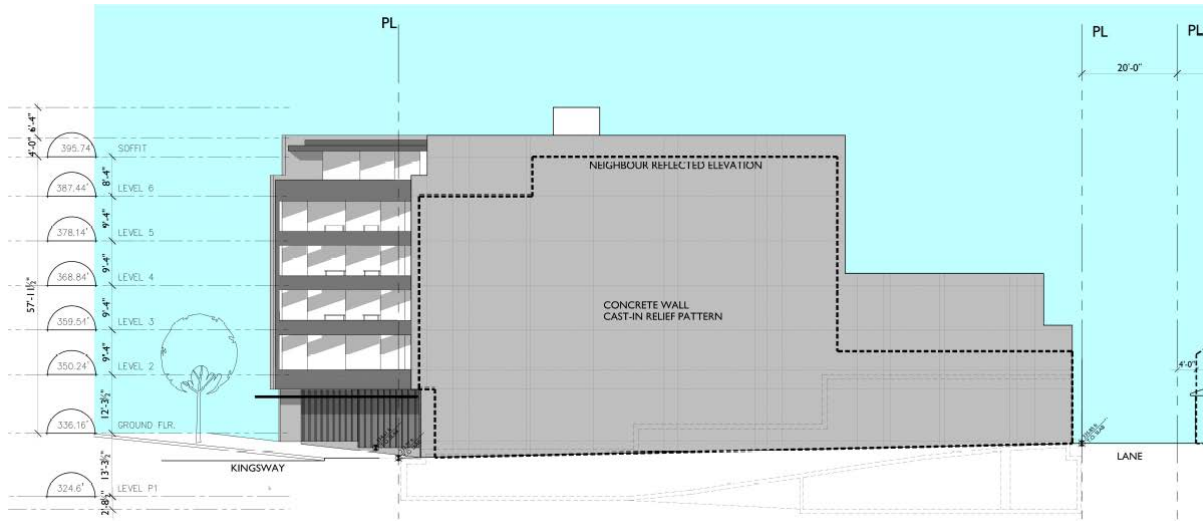
North Elevation



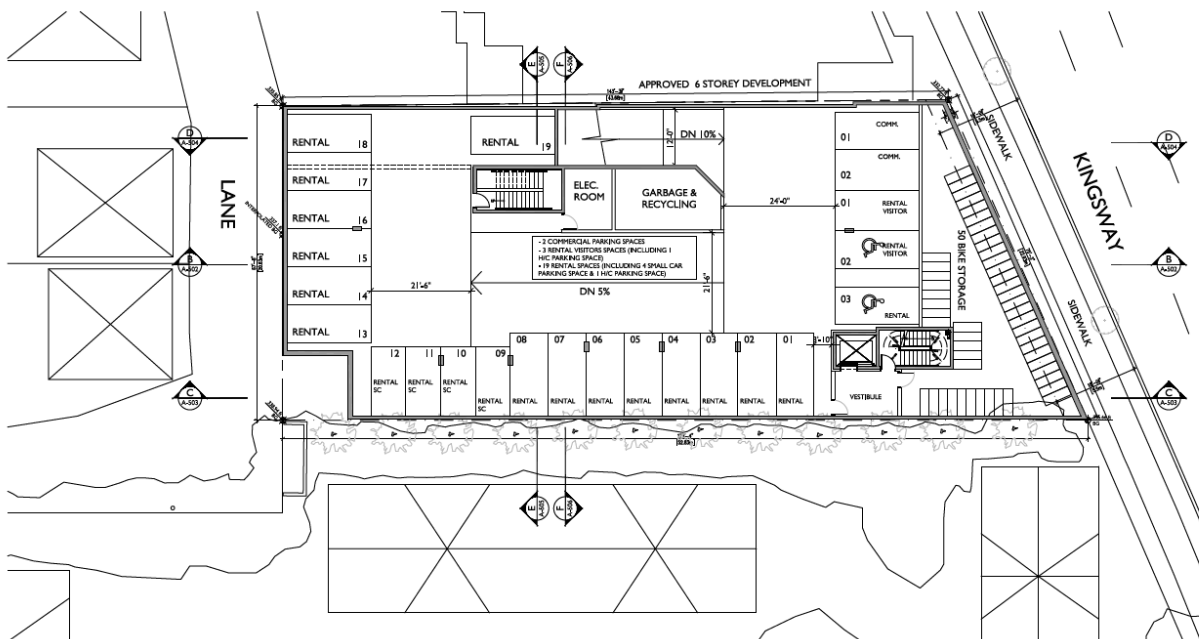
East Elevation



South Elevation



West Elevation



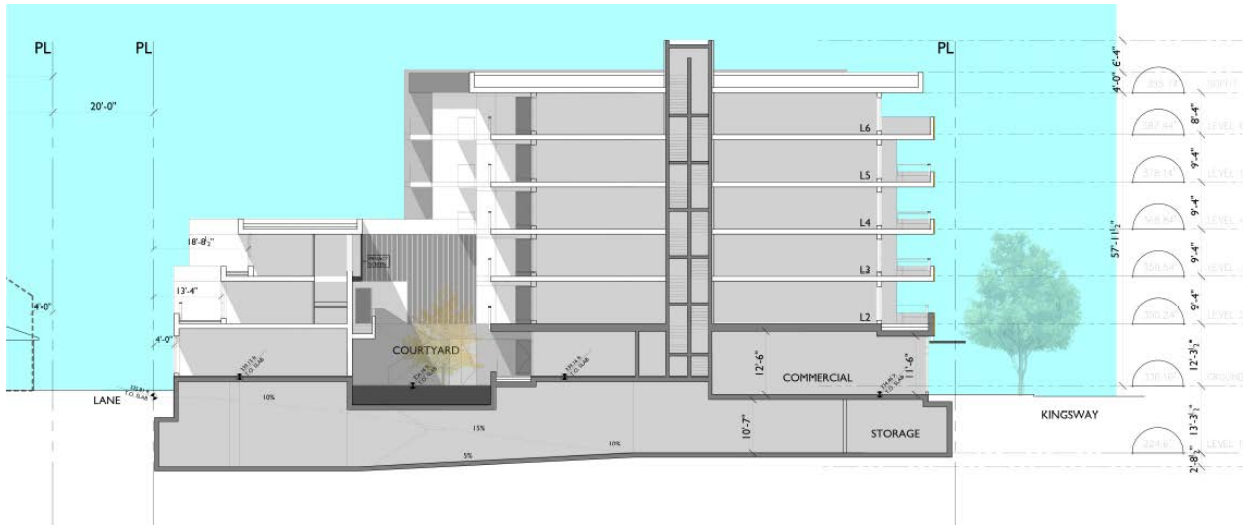
Underground Parking Level



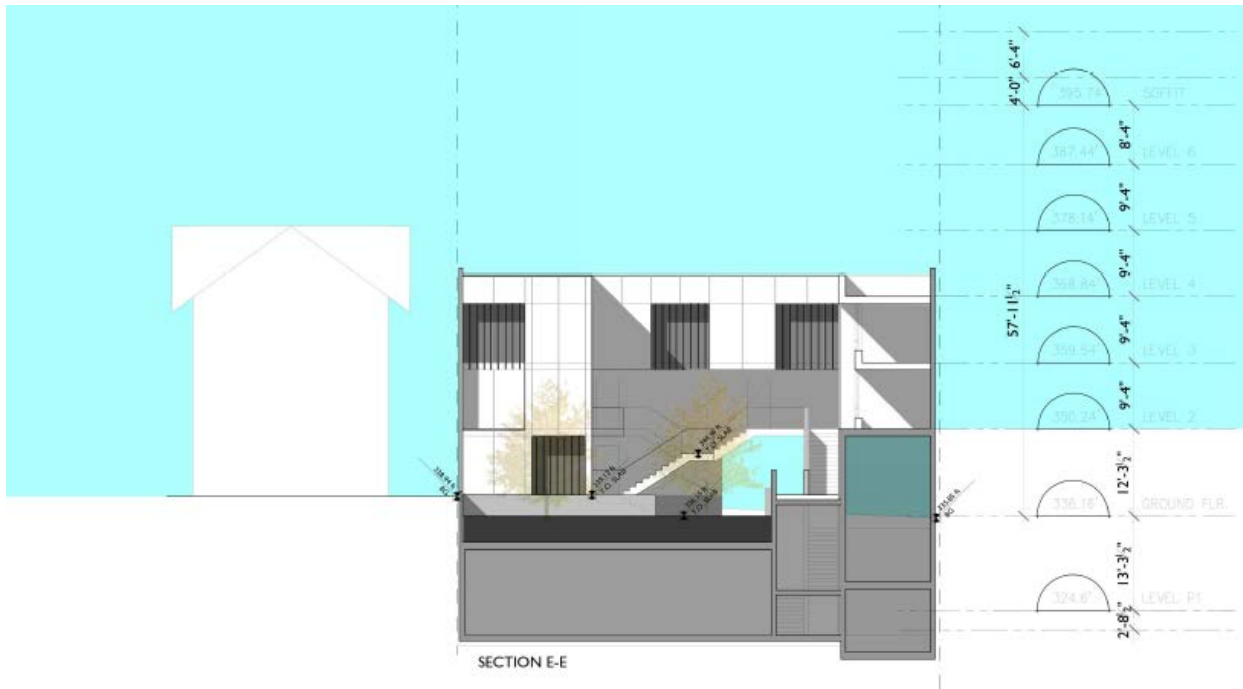








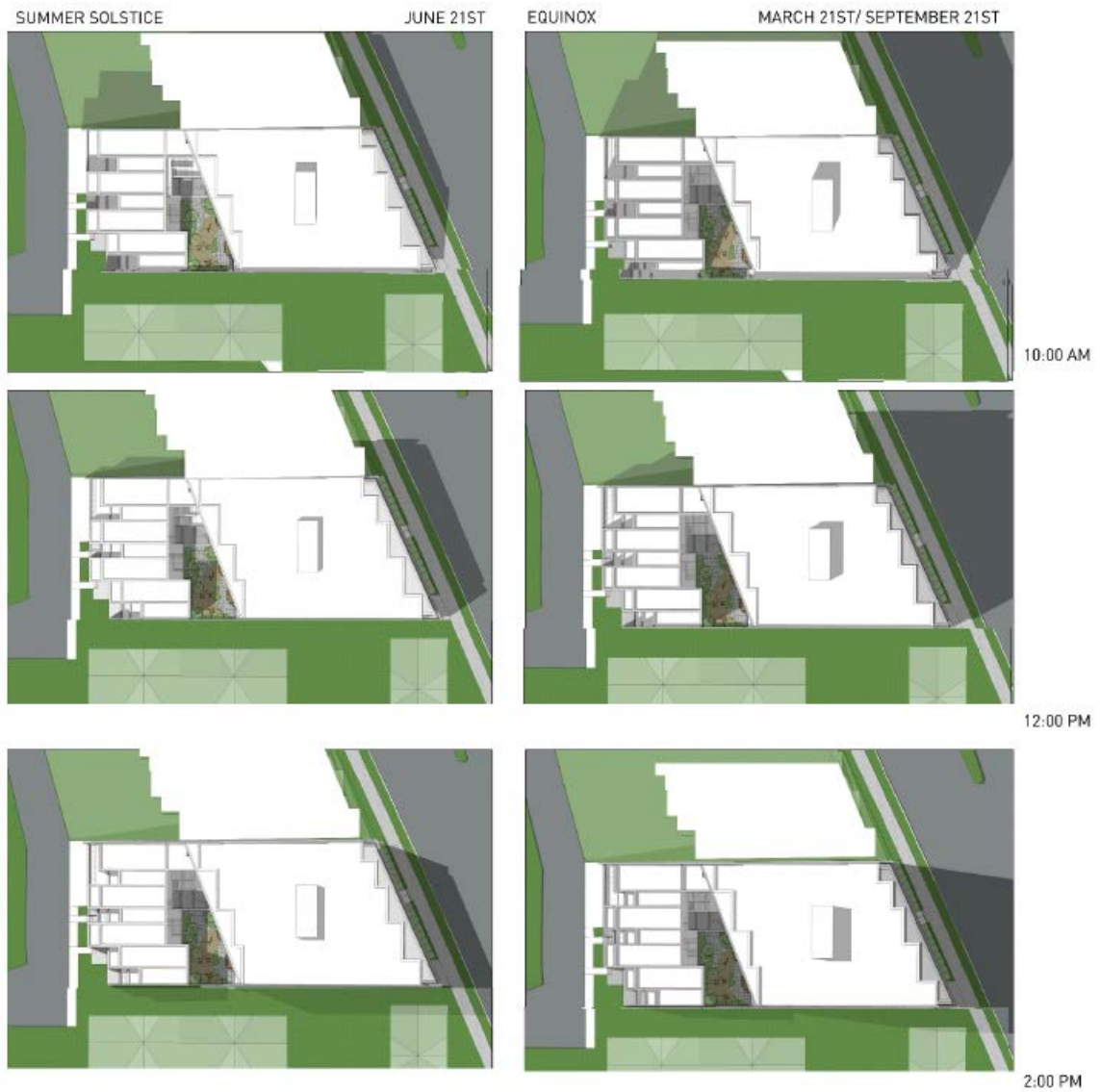
Section B:B (Cross section)



Section E:E (Courtyard)



Section F:F (Courtyard)



Shadow Study

**3070 Kingsway**  
**DEVELOPMENT COST LEVY WAIVER ANALYSIS**

To qualify for waiver of the Development Cost Levy (DCL) for the residential floor space, the application must meet the criteria set out in the relevant DCL By-law under section 3.1A. This application qualifies as outlined below.

- (a) All dwelling units proposed in the building will be secured as rental through the Housing Agreement called for under rezoning condition (c) 7 in Appendix B.
- (b) None of the proposed dwelling units will be strata units, as required through the Housing Agreement.
- (c) The average size of the proposed dwelling units will not be greater than specified in the DCL By-law.

<b>Unit Type</b>	<b>No. units proposed</b>	<b>DCL By-law maximum average unit size</b>	<b>Proposed average unit size</b>
Studio	6	42 m <sup>2</sup> (450 sq. ft.)	42 m <sup>2</sup> (450 sq. ft.)
1-bedroom	19	56 m <sup>2</sup> (600 sq. ft.)	52 m <sup>2</sup> (558 sq. ft.)
2-bedroom	11	77 m <sup>2</sup> (830 sq. ft.)	70 m <sup>2</sup> (752 sq. ft.)
3-bedroom	4	97 m <sup>2</sup> (1,044 sq. ft.)	95 m <sup>2</sup> (1025 sq. ft.)

- (d) The average initial rents for the proposed dwelling units do not exceed rents specified in the DCL By-law.

<b>Unit Type</b>	<b>No. units proposed</b>	<b>DCL By-law maximum average unit rent*</b>	<b>Proposed average unit rent*</b>
Studio	6	\$1,496/ \$1,646	\$1,496
1-bedroom	19	\$1,730/ \$1,903	\$1,730
2-bedroom	11	\$2,505 / \$2,756	\$2,505
3-bedroom	4	\$3,365/ \$3,702	\$3,365

\*Both the maximum and proposed rents are subject to annual adjustment as per the DCL By-law.

- (e) The proposed construction cost for the residential floor area does not exceed the maximum specified in the DCL By-law.

<b>DCL By-law maximum construction cost</b>	<b>Proposed construction cost</b>
\$3,391 per m <sup>2</sup> (\$315 per sq. ft.)	\$3,175 per m <sup>2</sup> (\$295 per sq. ft.)

By way of the Housing Agreement, the tenure of the housing will be secured as rental for the longer of the life of the building and 60 years, and the initial rents at occupancy will be secured to meet the averages set out under (d) above.

**3070 Kingsway**  
**PUBLIC BENEFITS SUMMARY**

**Project Summary:**

Six-storey mixed-use building with commercial at grade and 40 secured for profit affordable rental housing units

**Public Benefit Summary:**

The proposal would provide 40 for profit affordable rental housing units secured for the life of the building or 60 years, whichever is longer. DCL's on the commercial component will be received.

	<b>Current Zoning</b>	<b>Proposed Zoning</b>
Zoning District	C-2	CD-1
FSR (site area = 1006.8 sq. m (10,837.20 sq. ft.))	2.50	3.48
Buildable Floor Space (sq. ft.)	27,093 sq. ft.	37,765 sq. ft.
Land Use	Mixed-Use	Mixed-Use

<b>Public Benefit Statistics</b>		<b>Value if built under Current Zoning (\$)</b>	<b>Value if built under Proposed Zoning (\$)</b>
<i>Required*</i>	DCL (City-wide rate, effective September 30, 2017)	\$416,707	\$42,926
	Public Art (effective September 30, 2016: \$1.98/sf)	N/A	N/A
	20% Social Housing		
<i>Other Public Benefits Offered</i>	Heritage and Amenity Bonus Density	N/A	\$
	Childcare Facilities		\$
	Cultural Facilities		\$
	Green Transportation/Public Realm		\$
	Housing (e.g. supportive, seniors)		\$
	Parks and Public Spaces		\$
	Social, Community and Civic Facilities		\$
	Unallocated		\$
	Other		\$
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$416,707</b>	<b>\$42,926</b>

**Other Benefits** (non-quantified components):

40 units of for profit affordable rental housing units secured for the life of the building or 60 years, whichever is longer.

\* 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: Replacement Housing (36%), Transportation (25%), Park (18%), Childcare (13%) and Utilities (8%). Revenue allocations differ for each of the Area Specific DCL Districts.

**3070 Kingsway**  
**APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

<b>Street Address</b>	3070 Kingsway
<b>Legal Description</b>	LOTS 1 AND 2, EXCEPT PART IN REFERENCE PLAN 2424, BLOCK 16 DISTRICT LOT 37 PLAN 3952; PIDs 011-986-549 and 011-986-565 respectively
<b>Applicant/Developer</b>	Conwest Ventures Ltd.
<b>Architect</b>	GBL Architects
<b>Property Owner</b>	3070 Kingsway Inc.

**SITE STATISTICS**

<b>Site Area</b>	1006.8 sq. m (10,837.20 sq. ft.)
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**DEVELOPMENT STATISTICS**

	<b>Permitted Under Existing Zoning</b>	<b>Proposed</b>										
<b>Zoning</b>	C-2	CD-1										
<b>Uses</b>	Commercial and Residential	Commercial and Residential										
<b>Max. Density</b>	2.50 FSR	3.48 FSR										
<b>Floor Area</b>	2,517 sq. m (27,093 sq. ft.)	3,508.5 sq. m (37,765.22 sq. ft.)										
<b>Maximum Height</b>	13.8m (45.3 ft.)	21.5 m (70.5 ft.)										
<b>Unit Mix</b>	--	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Studio</td> <td style="text-align: right;">6</td> </tr> <tr> <td style="padding-left: 20px;">One-bedroom</td> <td style="text-align: right;">19</td> </tr> <tr> <td style="padding-left: 20px;">Two-bedroom</td> <td style="text-align: right;">11</td> </tr> <tr> <td style="padding-left: 20px;">Three-bedroom</td> <td style="text-align: right;">4</td> </tr> <tr> <td style="padding-left: 20px;"><b>Total</b></td> <td style="text-align: right;"><b>40</b></td> </tr> </table>	Studio	6	One-bedroom	19	Two-bedroom	11	Three-bedroom	4	<b>Total</b>	<b>40</b>
Studio	6											
One-bedroom	19											
Two-bedroom	11											
Three-bedroom	4											
<b>Total</b>	<b>40</b>											
<b>Parking, Loading and Bicycle Spaces</b>	As per Parking By-law	As per Parking By-law: 27 vehicle spaces, 1 Class B loading spaces, and 50 Class A and 6 class B bicycle spaces.										