



## POLICY REPORT

Report Date: February 26, 2019  
Contact: Karen Hoesé  
Contact No.: 604.871.6403  
RTS No.: 13036  
VanRIMS No.: 08-2000-20  
Meeting Date: March 12, 2019

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive

### **RECOMMENDATION**

- A. THAT the application, by GBL Architects and Aquilini Development on behalf of 1106144 B.C. LTD., to rezone 1303 Kingsway and 3728 Clark Drive [*PID 010-314-962, Lot Q (Reference Plan 6910) Block 36 District Lot 301 Plan 187*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 3.69 and the building height from 13.8 m (45.3 ft.) to 22.0 m (72.3 ft.) to permit the development of a six storey mixed-use building with commercial use at-grade and 54 for-profit affordable rental housing units, be referred to a Public Hearing, together with:
- (i) plans prepared by GBL Architects, received on October 11, 2018;
  - (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 in principle, including approval in principle of the form of development, subject to the Conditions of Approval 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 Part 2 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 CD-1 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 B, 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 bylaw 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 1303 Kingsway and 3728 Clark Drive from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building with commercial uses at grade, and 54 secured for-profit affordable rental housing units over two levels of underground parking. A height of 22.0 m (72.3 ft.) and an FSR of 3.69 are proposed.

Staff have 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.

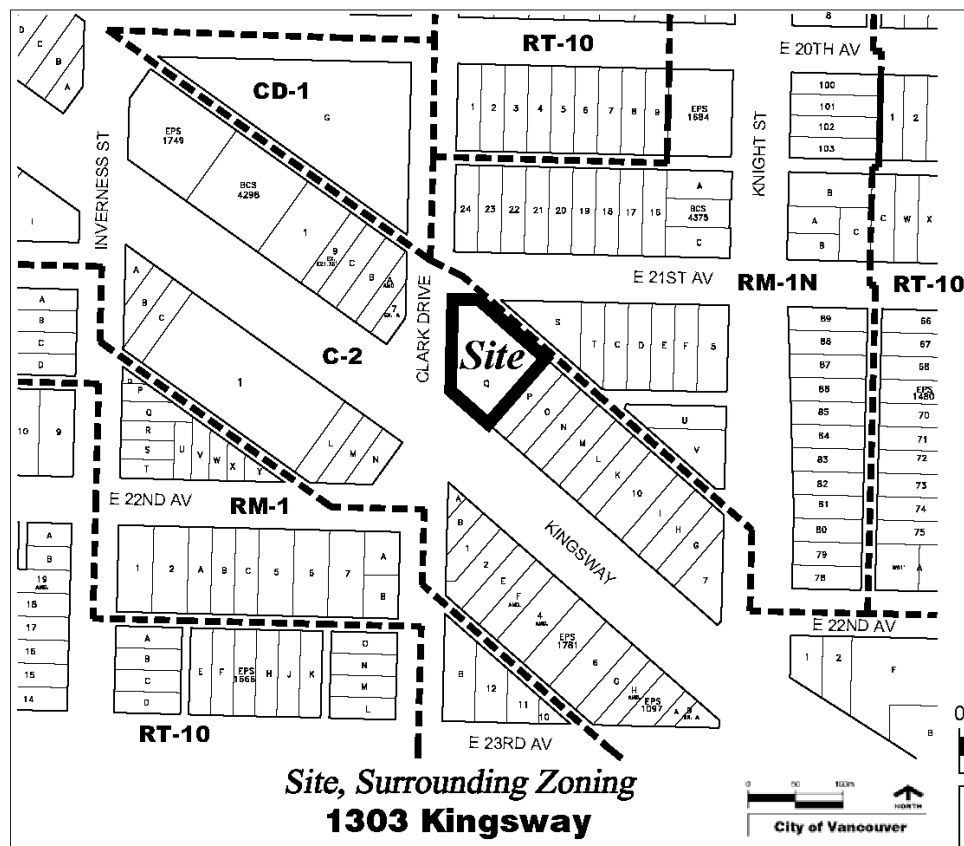
If approved, the application would contribute 54 for-profit affordable rental housing units towards achieving the City’s housing goals as identified in the *Housing Vancouver Strategy*. Staff recommend the application be referred to a Public Hearing, with the recommendation of the

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**

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

**Figure 1: Site and Surrounding Zoning**



## **REPORT**

### **Background/Context**

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

This 1329.8 sq. m (14,314 sq. ft.) site is on the northeast corner of Kingsway and Clark Drive (see Figure 1). The site contains one irregularly shaped legal parcel with a frontage of 21.6 m (70.9 ft.) along Kingsway and 39.3 m (128.9 ft.) on Clark Drive. The site also has a small frontage of approximately 12.0 m (39.4 ft.) along East 21st Avenue.

Currently developed with a one-storey commercial building, there are no residential units or tenants present on site.

The site is located in the Kensington-Cedar Cottage neighbourhood. The surrounding context includes C-2 zoning along Kingsway with RM-1 to the north and south, which allows for courtyard row house developments. The adjacent site to the east is a two-storey commercial building. North across the lane is a single-family house on a triangular lot.

#### **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. This is the enabling policy allowing consideration of rezoning on this site. Rezoning applications considered under this policy must meet a number of criteria including 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 and to relaxations of unit size provided that the design and location of the unit provides satisfactory living accommodation. Parking reductions and a DCL waiver for the residential rental floor area of the project are also incentives available to the applicant. 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 per cent of the new units will serve households earning less than \$80,000 per year, and 40 per cent will be family-size units. This application will contribute towards the targets for purpose-built market rental units and units for families.

**Vancouver Development Cost Levy By-law** — Under Section 3.1A of the DCL By-law, for-profit affordable rental housing projects are eligible for a development cost levy waiver for the rental housing portion of the development. The waiver regulates maximum unit sizes and maximum average rents by unit type for the project. Current rental rates and unit sizes are outlined in the *Rental Incentive Guidelines* and are updated on an annual basis.

## **Strategic Analysis**

### **1. Proposal**

The original application date for this rezoning was March 27, 2018. Based on public feedback, Urban Design Panel advice and staff review, a subsequent design package was resubmitted. This report is based on the resubmitted drawings from October 11, 2018.

In accordance with the *Rental 100* policy, this application proposes a six-storey mixed-use building with commercial uses at grade and 54 for-profit affordable rental housing units (see Figure 2), over two levels of underground parking. The proposed building height is 22.0 m (72.3 ft.) and the proposed density is 3.69 FSR.

**Figure 2: Proposed Development as Viewed from Corner of Kingsway and Clark Drive**



### **2. Land Use**

This site located at 1303 Kingsway and 3728 Clark Drive is zoned C-2 (Commercial) District. The intent of the C-2 District Schedule and Design Guidelines are to provide for a wide range of commercial and residential uses serving both local and citywide needs along arterial streets. Emphasis is placed on building design that furthers compatibility among uses, ensures livability and contributes to pedestrian interest and amenity.

This proposal includes commercial and residential land uses and is consistent with the *Rental 100* policy and the intent of the C-2 (Commercial) District. A total of 690.4 sq. m (7,431 sq. ft.) of continuous retail space is provided at grade along Kingsway, wrapping around to Clark Drive and a generous amenity room with co-located outdoor space is placed at level six.

### 3. Density, Height and Form of Development (Refer to drawings in Appendix E and statistics in Appendix H)

For sites in the C-2 zone, the *Rental Incentive Guidelines* provide general direction for consideration of additional height and commensurate increase in density. The additional height and density is contingent upon the urban design performance including shadow impacts and ensuring there is a compatible fit with the surrounding context. The proposed density of 3.69 FSR and height of six storeys (as viewed from public road frontages), is consistent with the *Rental 100* policy.

This corner site has an irregularly shaped configuration with a significant cross fall of approximately 4.7 m (15.5 ft.) from Kingsway sloping down to the lane. The overall height is six storeys facing Kingsway and Clark Drive, with the massing terraced at the rear to align with the sloped site condition. Along Kingsway and Clark Drive, the upper storeys are stepped back to reinforce the envisaged four-storey street wall with an enhanced corner expression at the intersection of Kingsway and Clark Drive.

**Figure 3: Proposed Development as Viewed from the Rear Lane**



Staff reviewed and compared the shadowing impacts of the proposed building with those of a four-storey building developed under existing zoning provisions. The analysis resulted in changes to the original application, including additional setbacks facing 21st Avenue and reduced massing and associated shadowing impacts. This resulted in a slight reduction in FSR from 3.77 to 3.69.

The Urban Design Panel reviewed and supported this application on May 30, 2018 (see Appendix D). Staff are supportive of the application subject to the conditions outlined in Appendix B. The conditions include improvements to minimize perceived bulk and massing, and improved contextual fit, particularly along the lane. The proposal will also undergo further design development during the development permit review process.

#### 4. Housing

This application meets the requirements of the *Rental 100* policy and would deliver 54 for-profit affordable rental housing units in the form of studio, one-bedroom, two-bedroom and three-bedroom units. This application would deliver approximately 37% of all units as family-oriented units in the form of 14 two-bedroom and 6 three-bedroom units, thereby exceeding the minimum requirements within the *Family Room: Housing Mix Policy in Rezoning Projects*.

All 54 units would be secured through a Housing Agreement and a Section 219 Covenant for the longer of the life of the building or 60 years, which will preclude the stratification and/or separate sale of individual units and secure initial rents. The addition of 54 new secured for-profit affordable rental housing units to the City's inventory of market rental housing contributes towards the *Housing Vancouver Strategy* targets (see Figure 4). Conditions related to securing the units are contained in Part 2 of Appendix B.

**Figure 4: Progress Towards 10-Year Housing Vancouver Targets for Secured Market Rental Housing as of December 31, 2018**

Housing Type	10-YEAR TARGETS	Units Approved Towards Targets
<b>Purpose-Built Market Rental Housing Units</b>	20,000	1,851

*\*Note that tracking progress towards 10-year Housing Vancouver targets began in 2017*

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

#### Vacancy Rates

Vancouver has one of the lowest vacancy rates in Canada. In fall 2018, the vacancy rate in the City was 0.8 per cent. That means only eight out of every 1,000 market rental units were empty and available for rent. A vacancy rate of three per cent is considered to be a balanced rental market. The vacancy rate in the Kensington-Cedar Cottage neighbourhood was also very low at 0.5 per cent.

#### DCL Waiver

The applicant has requested and qualifies for a waiver of DCLs for the residential floor area (see Appendix F) in exchange for meeting maximum average rental rates and unit sizes. The applicant has estimated the rental rates for each unit type. Figure 5 shows household incomes at which the proposed rents are affordable.

**Figure 5: Proposed Rents and Affordability by Household Income**

	<b>1303 Kingsway and 3728 Clark Drive Average Proposed Rents</b>	<b>Household Income Ranges at which the Proposed Rents are Affordable<sup>1</sup></b>
Studio	\$1,607	\$60,000 - \$69,999
1-bed	\$1,869	\$70,000 - \$79,999
2-bed	\$2,457	\$90,000 – \$99,999
3-bed	\$3,235	\$125,000 - \$149,999

1. As per Statistics Canada, affordable housing is defined as shelter costs equal to less than 30% of total before-tax household income. Income ranges are used above which allow for further analysis at a neighbourhood or citywide level.

Figure 6 compares proposed rents to average rents in newer buildings in the east area of Vancouver. When compared to home ownership costs, the proposed rents in this application will provide an affordable alternative to homeownership, particularly for the larger units.

**Figure 6: Comparable Market Rent and Home Ownership Costs (Eastside)**

	<b>1303 Kingsway - Average Proposed Rents</b>	<b>Average Market Rent in Newer Buildings - Eastside (CMHC, 2018)<sup>1</sup></b>	<b>DCL By-Law Maximum Averages - Eastside (CMHC, 2018)<sup>2</sup></b>	<b>Monthly Costs of Ownership for Median-Priced Unit – Eastside (BC Assessment 2017)<sup>3</sup></b>
Studio	\$1,607	\$1,694	\$1,607	\$2,278
1-bed	\$1,869	\$1,873	\$1,869	\$2,739
2-bed	\$2,457	\$2,689	\$2,457	\$3,817
3-bed	\$3,235	No data available	\$3,235	\$5,432

1. Data from the October 2018 CMHC Rental Market Survey for buildings completed in the year 2008 or later on the Eastside of Vancouver.

2. The maximum DCL rents for the Eastside of Vancouver are the average rents for all residential units built since the year 2005 city-wide as published by CMHC in the Fall 2018 Rental Market Report.

Note: Section 3.1A(d) of the DCL By-law allows for annual adjustment to the maximum rents. Rents shown in the DCL By-law reflect the CMHC rents of 2015 when section 3.1A was last amended. Maximum rents currently used by the City are published in the Rental Incentive Guidelines.

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 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 Act. 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.



### Existing Tenants

The site is currently developed with a one-storey commercial building. No existing tenants are impacted by this application.

## **5. Transportation and Parking**

The proposal will meet the requirements of the Parking By-law with 47 vehicle parking spaces, two Class B loading spaces, 110 Class A bicycle spaces, and six Class B bicycle spaces.

Frequent bus service is available on Kingsway and along Knight Street, one block east of the site, including direct service to the downtown core. The project is eligible for a 20 per cent reduction to residential parking and a 10 per cent reduction to commercial parking requirements due to proximity to frequent transit.

Engineering conditions are included in Appendix B.

## **6. Environmental Sustainability**

The *Green Buildings Policy for Rezoning* (amended by Council on April 28, 2017) requires that residential rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy. These new requirements are mandatory for all rezoning applications received on or after May 1, 2017.

This applicant is required to satisfy the *Green Buildings Policy for Rezoning* and is pursuing 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.

The applicant has submitted preliminary energy modelling analysis detailing building performance strategies to meet the new energy use intensity, greenhouse gas and thermal demand targets and a preliminary *Rainwater Management Plan*.

### ***Public Input***

**Public Notification** – A rezoning information sign was installed on site on the site on April 24, 2018. Approximately 1,530 notification letters were distributed within the neighbouring area on or about April 18, 2018. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).

**Community Open House** – A community open house was held on May 8, 2018 at the Church of Nazarene, located at 998 East 19th Avenue. Staff, the applicant team, and 19 people attended the open house.

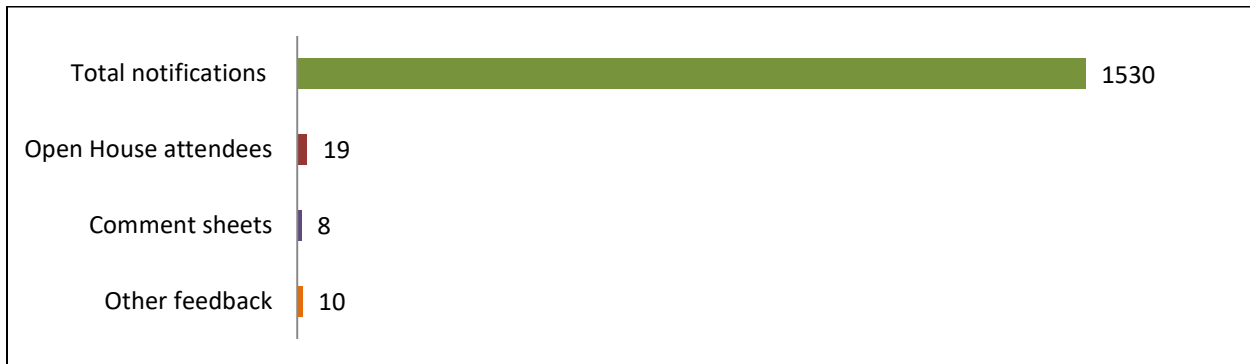
**Additional Notifications** – In response to the revised rezoning submission, the site signs were amended on October 26, 2018, with a banner indicating that revisions were made to the application. Project revision details were included in a second mail out to approximately 1,568 households, distributed on or about November 9, 2018. In addition to residents and owners within the notification area, this mailing list included open house attendees who

indicated a desire for further project updates. Open House attendees who preferred email updates were contacted on November 13, 2018. Revisions were also highlighted on the City's Rezoning Centre webpage.

**Public Response** – Responses to the proposal have been submitted to the City as follows (see Figure 7):

- Eight comment sheets in response to the May 8, 2018 open house;
- 10 emails and online comment forms.

**Figure 7: Public Notification and Responses**



A summary of the key themes from the public feedback is found below. A more detailed overview of public comments on this application is provided in Appendix D.

*Support for the proposal cited the following:*

- The provision of new rental housing
- The potential retention of existing businesses
- Location and neighbourhood fit

*Concerns expressed by respondents included the following:*

- Increased traffic and lack of adequate parking
- Building height
- Building design, aesthetics and the lack of landscaping/greenspace
- Noise generation from commercial spaces

## **Staff Response**

### Traffic and Parking

The application will meet all requirements of the Vancouver Parking By-law. In addition, to calm traffic in the local area, Conditions of Approval in Appendix B include provision of curb bulges on the northeast corner of Clark Drive at Kingsway and the southeast corner of 21st Avenue at Clark Drive to be provided by the owner.

### Height and Density

The proposed height meets the intent of the *Rental 100* policy for sites zoned C-2. The application was revised and resubmitted responding to public feedback, the Urban Design Panel and staff review. The resubmission includes additional setbacks along Clark Drive to reduce the massing and shadowing to the north. Urban design analysis concluded that the height

proposed is an appropriate fit for the neighbourhood context, subject to Conditions of Approval in Appendix B. These conditions include design development to minimize perceived bulk and massing, enhance the corner expression at Kingsway and Clark Drive, and improve the lane interface by providing generous terraced landscaping and by creating a finer grained residential character for the proposed townhouses.

#### Design, Aesthetics and Landscaping

Conditions of Approval in Appendix B include design development to increase the landscaping on roofs and along the lane, as well as upgrades to the existing pocket park at the corner of Kingsway and Clark Drive. Conditions also include further design development to the building expression to be further addressed through the Development Permit process.

#### Noise

Noise emanating from private developments in the City of Vancouver is regulated through the Noise Control By-law No. 6555. This by-law defines an 'activity zone', an 'intermediate zone' and a 'quiet zone'. Commercial properties generally fall within the 'intermediate zone', which establishes acceptable noise thresholds. The proposed development will be restricted to the same 'intermediate zone' parameters that currently apply today.

#### **Public Benefits**

In response to City policies which address changes in land use and density, this rezoning application 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 housing (social/non-profit housing) and engineering infrastructure.

This site is subject to City-wide DCL and City-wide Utilities DCL on the proposed 690.4 sq. m (7,431 sq. ft.) of commercial floor area and 4,211.4 sq. m (45,331 sq. ft.) of residential floor area.

In accordance with the provisions of Section 3.1A of the Vancouver DCL By-law, the applicant has requested a waiver of the DCLs attributed to the residential floor area as for-profit affordable rental housing. Based on the September 30, 2018 rates, the value of the DCL waiver is approximately \$1,052,134. The commercial floor area would not be eligible for a waiver resulting in approximately \$145,805 of DCLs anticipated from this project. A review of how the application meets the waiver criteria is provided in Appendix F.

DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City's [DCL Bulletin](#) for details on DCL rate protection.

**Public Art Program** – As the proposed floor area is below the minimum threshold of 9,290 sq. m (100,000 sq. ft.), no public art contribution will arise from this application.

## Offered Public Benefits

**Community Amenity Contributions (CACs)** – Within the context of the City’s Financing Growth Policy, an offer of a Community Amenity Contribution (CAC) to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of 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.

The *Community Amenity Contributions - Through Rezoning* policy provides an exemption for routine, lower density secured market rental rezoning applications that align with the *Secured Market Rental Housing Policy (2012)* and *Rental Incentive Guidelines (2017)*. Staff note that the application is eligible for this CAC exemption. The offered public benefit achieved for this application is 54 secured for-profit affordable rental housing units.

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

## Financial Implications

The site is subject to both City-wide DCL and City-wide Utilities DCLs. The residential component of the proposed project is expected to qualify for a DCL waiver as for-profit affordable rental housing, and the value of the waiver is estimated at \$1,052,134. It is anticipated that the commercial component of the project will generate approximately \$145,805 in DCLs.

The 54 units of for-profit affordable rental housing, secured by a Housing Agreement and Section 219 Covenant for the longer of the life of the building or 60 years, will be privately owned and operated.

No additional CAC or public art contribution is applicable.

## CONCLUSION

Staff have reviewed the application to rezone the site at 1303 Kingsway and 3728 Clark Drive from C-2 to CD-1 to permit development of 54 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 to for-profit affordable rental housing, including additional height and density, a DCL waiver, and a parking reduction. Staff further conclude that the proposed form of development represents an appropriate urban design response to the site and context. If approved, this application would make a contribution to the achievement of key housing goals outlined in the *Housing Vancouver Strategy*.

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.

\* \* \* \* \*

**1303 Kingsway and 3728 Clark Drive  
DRAFT 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.]*

**Designation of CD-1 District**

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 ( ).

**Uses**

3. 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 section;
  - (b) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Grocery Store with Liquor Store, 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 3.

### **Conditions of Use**

- 4.1 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.
- 4.2 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.
- 4.3 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**

- 5.1 Computation of floor space ratio must assume that the site consists of 1,329.8 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.
- 5.2 The floor space ratio for all uses must not exceed 3.69.
- 5.3 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.

5.4 Computation of floor area must exclude:

- (a) open residential balconies or sun decks 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.

5.5 The use of floor area excluded under section 5.4 must not include any use other than that which justified the exclusion.

**Building Height**

6. Building height, measured from base surface to top of parapet, must not exceed 22.0 m.

**Horizontal Angle of Daylight**

7.1 Each habitable room must have at least one window on an exterior wall of a building.

7.2 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 24.0 m.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 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.

7.5 An obstruction referred to in section 7.2 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 ( ).

7.6 A habitable room referred to in section 7.1 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

8. A development permit application for dwelling uses must include an acoustical report prepared by a registered 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

### Zoning and Development By-law

9. Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 ( ).

\* \* \* \* \*



**1303 Kingsway and 3728 Clark Drive  
CONDITIONS OF APPROVAL**

*Note: If the application is referred to a public hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the hearing minutes for any changes or additions to these conditions.*

**PART 1: CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT**

*Note: Consideration by Council at the public hearing of the proposed form of development is in reference to plans prepared by GBL Architects, stamped received October 11, 2018, and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.*

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 minimize perceived bulk and massing along Kingsway and Clark Drive.

Note to Applicant: This can be achieved by providing a lighter secondary building expression at the upper storey setback, a break in massing adjacent to the five storey corner expression (along Clark Drive) and lighter articulated balcony expression (at corner of Clark Drive and East 21st Avenue).

2. Design development to provide a more distinct corner expression at the intersection of Kingsway and Clark Drive.

Note to Applicant: Additional height exceeding the four storey envisaged street wall should provide enhanced urban design performance at this prominent location. Sun shading or passive measures can contribute to the articulation as well as heat gain at this location.

3. Design development to express individual townhouse units vertically (along north elevation) to be more compatible with the fine grain residential scale of the context.

Note to Applicant: The massing can be further broken down to smaller scale increments for the two-storey townhouses.

4. Design development to improve the interface with the pocket park at the Kingsway and Clark Drive intersection and the retail interface.

Note to Applicant: This can be achieved with reduced blank wall conditions, use of durable materials, and intensive detailing that contribute to pedestrian interest. Fenced areas to be deleted as part of Development Permit application.

5. Design development to activate the lane interface and provide abundant landscaping to be more compatible with the residential context.

Note to Applicant: This can be achieved by terracing landscaped retaining walls (maximum 30 inch height) resulting in a reduced CRU patio. Additionally, planters can be provided at Level 1 patios with cascading evergreens to screen and soften blank wall condition. Refer to landscape conditions.

6. Design development to provide continuous weather protection along Kingsway and Clark Drive (minimum 6 ft. depth beyond the exterior building face).

Note to Applicant: Canopy expression can be integrated to improve delineation of the building base.

7. Design development to detail exposed party walls at east elevation through articulation, colour, and textures.
8. Design development to minimize negative impacts of parkade entry and service areas with treatments such as enclosure, screening, durable finishes, and landscaping.
9. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at <http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>.

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

10. Design development to consider the principles of CPTED, having particular regard for:
  - (a) theft in the underground parking;
  - (b) residential break and enter;
  - (c) mail theft; and
  - (d) mischief in alcoves and vandalism, such as graffiti.

### **Landscape**

11. Design development to increase the amount of green cover on Level 6 by providing more planting and including small trees in the planting plan.
12. Design development to the landscape treatment to increase the volume of soil, tree canopy cover and planting on slab.

Note to Applicant: Wherever possible, planted landscapes on slab should be designed to maximize soil depths. This will require integration of the landscape design and the structural plan. Soil depths should exceed Canadian Landscape Standards. At the perimeter of the building the slab can be angled downward (1 m across and 1.2 m down) to maximize contiguous soil volumes. Landscape sections with detailed dimensions and

any relevant architectural sections should be provided to verify soil volume.

13. Design development to the *Integrated Rainwater Management Strategy* to explore opportunities for onsite rain water infiltration and soil absorption, as follows:
- (a) maximize natural landscape best management practises;
  - (b) minimize the necessity for hidden mechanical water storage;
  - (c) increase the amount of planting to the rooftop areas, where possible;
  - (d) consider linear infiltration bio-swales along property lines, at lower site areas;
  - (e) use permeable paving;
  - (f) employ treatment chain systems (gravity fed, wherever possible);
  - (g) use grading methods to direct water to soil and storage areas.

Note to Applicant: Refer to the City of Vancouver *Integrated Rainwater Management Plan* (I.R.M.P), Vol.1 & 2 for further information. A consulting engineer (subject matter expert) will need to be engaged and early phase soil analysis will be needed. Further comments may be outstanding at the development permit stage. Refer to Green Infrastructure conditions.

14. Provision of plans, plan details and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:
- (a) detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets;
  - (b) a separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones; and
  - (c) an overlay plan that shows amount and ratio of vegetative cover (green roof), permeable/impermeable hardscaping and notations describing the storage location of rainwater falling on each surface, including roofs.

Note to Applicant: The sustainable summary water balance calculations assume soil volumes are capable of receiving rainwater are only valid if water is directed from hard surfaces to infiltration zones.

15. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

Note to Applicant: The plans should be at 1/8": 1 ft. scale minimum. The Plant list should include the common and botanical name, size and quantity of all existing/ proposed plant material. Plant material should be clearly illustrated on the Plan and keyed to the Plant List. The landscape plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles, fire hydrants.

16. Provision of detailed architectural and landscape cross sections (minimum 1/4" inch scale) through common open spaces, semi-private patio areas and the public realm.

Note to Applicant: The sections should illustrate, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios

and amenity areas, 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.

17. Provision of a "Tree Management Plan".

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters.

18. Provision of an arborist "letter of undertaking" to include signatures by the owner, contractor and arborist.

Note to Applicant: The signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

19. Coordination for the provision of new street trees or any proposed City owned tree removals adjacent to the development site, where applicable.

Note to Applicant: New street trees to be shown and confirmed on the development permit plans. 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*".

20. Provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis).

21. Provision of an outdoor Lighting Plan.

22. Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 100 sq. ft.

Note to Applicant: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed. Hose bibs are requested to encourage patio gardening and hand watering on private patio and amenity decks.

### **Sustainability**

23. 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).

### Engineering Services

24. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law, except that:
  - (a) Design Development to reduce conflict between loading access and residential drop-off as shown on level P1. The location of the Class B loading spaces is not supported;
  - (b) Class B loading space access, clearances, and maneuvering to meet the requirements of the By-law;
  - (c) Design Development to provide all Class A bicycle parking spaces on level P1 or provide improved access for bikes on level P2 by providing a designated bicycle elevator from level P2 to reach the outside;
  - (d) Design Development to modify the internal O/H gate to provide maneuvering widths as per By-law;
  - (e) Provision of bicycle parking spaces that meet all the requirements of the By-law. Additional information must be provided.
25. 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 and 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.
26. 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.
27. 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.

28. Provision of generous and continuous weather protection on Kingsway and Clark Drive frontages.
29. Relocate the proposed bicycle parking on the East 21st Avenue frontage so that parked bicycles will remain fully on private property. (refer to drawings A-3.01 and L1).

Note to Applicant: Add note to landscape plans "Installation of parking regulatory signage on Clark Drive and Kingsway adjacent the site to the satisfaction of the General Manager of Engineering Services".

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.*

30. Provide automatic door openers on the doors providing access to the bicycle room(s) and show the automatic door openers on the drawings.
31. Provision of all bicycle parking spaces as per By-law.
32. Provision of a plan showing the access route from 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.

33. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
  - (a) All parking and loading spaces to be individually numbered, labelled and dimension on the drawings;
  - (b) Provision of (6.1 m) 20 ft. clear width through the O/H gate. Show dimensions on the drawings;  
  
Note to Applicant: Ensure the frame of the O/H gate provides (6.1m) 20 ft. of clear width.
  - (c) Provision of design elevations on both sides of the parking ramp at all breakpoints, and at the parking entrance on the drawing. Show the slope of the ramp sections, and dimension the length of the ramp sections on the drawings;
  - (d) Provide additional design elevations in the parking level and show the slope and cross fall on the parking level drawings. Provide design elevations at all points of the loading spaces and show slope and cross fall within the loading spaces;
  - (e) Provision of a section drawing showing elevations, vertical clearances, and security gates for the main ramp and through the loading bay;

- (f) Provision of convenient, internal, 'stair-free' loading access to/from all site uses. Show and label the 'stair-free' access route(s) on the drawings;
- (g) Dimension all maneuvering aisle widths on the parking drawings;
- (h) Provision of columns, column dimensions, and column setbacks to be shown on the drawings;
- (i) 2.3 m of vertical clearance is required for access and maneuvering to all disability spaces and must be noted on the drawings. 3.8 m of vertical clearance is required for Class B loading spaces;
- (j) Dimension the access aisle width and the size of the bicycle spaces in the bicycle storage rooms;
- (k) Provision of additional dimensions on the drawings showing minimum vertical clearances throughout the parking ramp, parking entry, parking level and loading area. These vertical clearances must consider mechanical projections and built obstructions;
- (l) Dimension the access aisle widths in the bike storage room on level P1. Provide "readable" text showing the dimensions of the bicycle spaces;
- (m) All Class B bike parking to be provided on private property and must not encroach in any way on public property.

### Green Infrastructure

34. Staff are seeking a detailed response toward the Citywide Integrated *Rainwater Management Plan* (IRMP) requirements outlined in the "*Green Buildings Policy for Rezoning*". Full submission requirements are detailed in the Rainwater Management Bulletin: <https://vancouver.ca/docs/bulletins/Rainwater-Management-Bulletin.pdf>. Provide a *Rainwater Management Plan* (RMP) that details how the rainwater management system meets the IRMP requirements for retention, cleaning and safe conveyance, prepared by a subject matter expert (Engineer) and signed/sealed by same, subject to review. The applicant should take into account the following:

- (a) As per the Rainwater Management Bulletin, Runoff from the first 24 mm of rainfall from all areas, including rooftops, paved areas, and landscape must be retained or reused on site. The method of capture must be prioritized according to three Tiers outlined in the Bulletin and justification must be provided for using Tier 2 and 3.

Note to Applicant: Staff will 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 runoff from the impervious areas being directed towards these absorbent areas, and this being clearly demonstrated. Where areas of growing medium do not have runoff directed on to them from adjacent impervious surfaces they shall be assumed to be receiving/treating/storing only the rainfall that falls directly on to them. IRMP targets are to be achieved on site (without using street right of way).

- (b) Surfaces designed for motor vehicle use and other high pollutant generating surfaces require an additional 24 mm of treatment beyond the first 24 mm retained (for a total of 48 mm treated).
- (c) The rainwater management system for the building(s) and site shall be designed such that the 10-year flow rate discharged to the sewer under post-development conditions is not greater than the pre-development 10-year flow rate for the return period specified in the City of Vancouver's Intensity-Duration-Frequency curve (IDF curve). The City of Vancouver's 2014 IDF curve shall be utilized for pre-development design flow calculations, and the City's 2100 IDF curve, which takes into account the effects of climate change, shall be utilized for post-development design flow calculations.
- (d) Water quality volume (24 mm for low pollutant generating surfaces like roofs and 48 mm for high pollutant generating surfaces like driveways) that leaves the site must be treated to a standard of 80% TSS removal by mass by using either individual BMPs that meet the standard or treatment trains of BMPs that, when combined, meet the standard:
  - (i) Provide product information for all treatment practices.
  - (ii) Products need to meet the ISO 14034 ETV certification. The applicant may propose other technologies but must provide supporting information that shows the technology meets the standard.

Note to Applicant: Legal arrangements will be required to ensure on-going operations of certain rainwater storage, rainwater management and green infrastructure systems. A Section 219 Rainwater Management Agreement Covenant will be required once the Final RWMP is accepted by the City. The Final RWMP will be attached to the covenant and be register on the property's title. After construction, the Engineer of Record will be required to inspect the RWM system and determine whether it has been substantially completed according to the covenant and Final RWM Plan. The EOR is to inform the City by letter bearing the Engineer's professional seal whether the system has been so constructed, and, if not, sealed "as-built" drawings showing the details of the modified system must be provided.

## Housing

35. That the proposed unit mix, 30% Studio, 33% 1-bedroom, 26% 2-bedroom and 11% 3-bedroom units, be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may 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.

36. The development is to comply with the *High-Density Housing for Families with Children Guidelines*, and include a kitchenette and accessible washroom in the indoor common amenity rooms.



Note to applicant: The outdoor amenity area should be designed to accommodate a range of children's play activities.

37. 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.

## **PART 2: CONDITIONS OF BY-LAW ENACTMENT**

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, Urban Design and Sustainability, the General Manager of Engineering Services and the General Manager of Arts, Culture and Community Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### **Engineering Services**

1. Provision of a building setback and a surface Statutory Right of Way (SRW) on Kingsway for public pedestrian use to achieve a 5.5 m (18 ft.) distance measured from the back of the existing City curb for sidewalk widening. The SRW will be free of any encumbrance at grade such as structure, stairs, planter walls, door swing, benches, chairs and tables, and bicycle parking.

Note to Applicant: Delete the portion of glass patio railing proposed in the SRW area and ensure that the door swings at the CRU entrances on Kingsway do not encroach more than 0.3 m into the SRW area (refer to drawing A-3.01, A-7.01, and L1).

2. Provision of a Services Agreement to detail the on and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided:
  - (a) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required;
  - (b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.

The post-development 10-year flow rate discharged to the storm 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 climate change.

Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. Submittals to be reviewed and accepted by City Engineer.

Development to be serviced to the 200 mm storm and 150 mm sanitary mains in East 21st Avenue.

Groundwater requirements are not currently an immediate concern at this site. The City may require a Hydrogeological Study, Groundwater Management Plan, and/or Impact Assessment if dewatering rates are significant or concerning, to the City's discretion. The developer is advised to undertake adequate investigations to understand the site groundwater conditions early on in the planning and design process;

- (c) 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.

- (d) Provision of a 1.22 m (4 ft.) exposed aggregate front boulevard and light broom finish saw cut concrete sidewalk to edge of SRW area on Kingsway frontage;
- (e) Provision of a 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk and a 0.7 m back boulevard on Clark Drive. The back boulevard should be landscaped from East 21st Avenue to the residential entrance on Clark Drive and concrete to match the sidewalk for the remainder adjacent to the retail.

The intent is to provide more room between the sidewalk and the large trees being retained on Clark Drive;

Note to Applicant: City to provide geometric design for sidewalk alignment.

- (f) Provision of a minimum 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on East 21st Avenue frontage;
- (g) Provision of a standard concrete lane crossing including new curb returns and curb ramps on both sides of the lane entry as per City standard;
- (h) 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;

- (i) Provision of pedestrian scale lighting in the garden (northeast corner of Clark Drive and Kingsway);
  - (j) Provision of lane lighting on standalone poles with underground ducts;
  - (k) Provision of new service cabinet/kiosk;
  - (l) Provision of minor signal modifications at the signal at Clark Drive and Kingsway, including LED lighting and countdown timers;
  - (m) Provision of a curb bulge at Kingsway and Clark Drive (northeast corner, on Clark Drive); and
  - (n) Provision of a curb bulge at East 21st Avenue and Clark Drive (southeast corner, on 21st Avenue).
3. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but 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.

### **Housing**

4. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing all residential units as for-profit affordable housing units for the longer of 60 years and life of the building, subject to the following additional conditions:
- (a) A no separate-sales covenant.
  - (b) A no stratification covenant.
  - (c) That none of such units will be rented for less than one month at a time.
  - (d) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into, prior to development permit issuance and prior to DCL calculations during building permit.

- (e) That the average initial starting monthly rents for each unit type will be at or below the following rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	1303 Kingsway & 3728 Clark Dr Proposed Average Starting Rents
Studio	\$1,607
1-bedroom	\$1,869
2-bedroom	\$2,457
3-bedroom	\$3,235

- (f) 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 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 the Vancouver Development Cost Levy By-law.
- (g) Such other terms and conditions as the General Manager of Arts, Culture, and Community Services 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 Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

**Soils**

5. If applicable:
- (a) Submit a site profile to Environmental Services (Environmental Protection);
- (b) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (c) If required by the Manager of Environmental Services 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 Services, 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 separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have 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 sites 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.

\* \* \* \* \*

**1303 Kingsway and 3728 Clark Drive**  
**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:

“1303 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 #]              1303 Kingsway”

\* \* \* \* \*

**1303 Kingsway and 3728 Clark Drive  
ADDITIONAL INFORMATION**

**1. Urban Design Panel Minutes**

**EVALUATION: SUPPORT with Recommendations**

**\*Helen Avini Besharat Chairing**

**Introduction:** Derek Robinson, Rezoning Planner, introduced the project as proposing to rezone under the Rental 100 policy which allows consideration for height up to 6 storeys on C-2 zoned sites with commensurate density. There is no maximum FSR under this policy, however typical 6 storey Rental 100 projects generally fall between 3.25 and 3.5 FSR. The applicant is proposing 3.77 FSR.

It is an irregular shaped lot, located on the northeast corner of Kingsway and Clark Drive located 1 block west of Knight and Kingsway. This area of Kingsway is zoned C-2 with an RM-1 townhouse transition zone to the north and south, including an adjacent triangle of single family houses. The site is 14,300 sq ft in area and is triple fronting on Kingsway, Clark and E 21st Av. The site is occupied by the single-storey Cedar Cottage liquor store and café. There is a small pocket park on City property proposed to remain. There is an approximate 15.5 foot cross-slope from Kingsway to the lane.

The applicant is proposing 53 units (36% family oriented) over at grade commercial and 43 parking stalls in 2 levels of underground parking. Again, the proposed FSR is 3.77. Indoor and outdoor amenity areas are provided on level 3 fronting the lane, along with outdoor amenity on the level 7 roof. An SRW to achieve a 5.5m sidewalk along Kingsway is being provided.

Tim Potter, Development Planner, introduced the project as a double-fronting, corner site-Kingsway/Clark/21st Ave. The frontage is 152 feet at Kingsway, 123 feet at Clark and 37 feet at East 21st Ave. The slope is a crossfall of over 15.5feet southwest to northeast.

The Base zoning is C-2 which would be a (4) storey mixed-use building at 2.5 FSR. C-2 asks for an 8 foot setback above 35 feet from the front property line. The proposal is for a 6 storey (along Kingsway) and 8 storey (at the lane) mixed-use building comprised of commercial at grade and residential above, all over two levels of parking.

Setbacks include a ground floor commercial is setback (18 feet) 5.5m from curb to face of building, then 2 ft from the property line of Clark and East 21st Ave. The residential at grade is setback (20 ft) 6.1M from the lane. The 5th floor is set back 8 ft from the street and lane facing building face, and an 803 sq. ft. amenity area with associated outdoor amenity.

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

1. Please comment on the overall massing strategy and in particular, how the scale transition is handled at Clark and at the lane;
2. Please comment on the design and location of the amenity space in terms of its location and potential for landscape improvements;
3. How well does the landscape address and relate to the existing public realm treatments?;
4. Please comment on the approach to sustainable performance such as solar orientation, shading, urban heat island effect, or similar concerns.
5. In summary and in view of the foregoing questions, is the overall massing, height and density

supportable?

**Applicant's Introductory Comments:** The site is unique because it has a public realm to work with. The public realm was celebrated as much as possible. The corner was meant to be in line with the surrounding context. There are breaks in the façade design to signify entrances and activity. At the pocket park there is a break to signify or celebrate activity. The southwest exposure design is recessed for a nice patio that fronts the public realm so it is day lit. The vertical expression design is consistent to signify the entrance from the public pocket park. The intention is a vertical expression and active uses wrapped around the expression. At Clark and 21st there is a lively entrance proposed for the retail unit that is attractive and well used. The lane approach is stepped inward to be sensitive to the back.

There are opportunities for amenities in the building. The outdoor amenity areas are publicly available. At the lane the applicant tried to create a sense of activity with townhouse units that are raised on a plinth. The proposed landing is soft and Park Drive pocket park is designed to be well contained. There are plantings proposed in containers to reflect the formality of the conditions. The most important landscape element proposed is the 'bowl' at 21st and Clark. There are at grade plantings proposed to soften the edge and activate it. The children's play area is intended to be 'sculptural' and imaginative which is active and open. The proposed planting on the stepping back is on the north side which requires shade tolerant plantings. The bike parking is designed along Clark drive for better access.

The applicant team then took questions from the panel.

• **Panel Consensus:** Having reviewed the project it was moved by Mr. Newfield and seconded by Mr. Huffman and was the decision of the Urban Design Panel: THAT the Panel **SUPPORT** the project with the following recommendations to be reviewed by City Staff:

- Improve the potential of public realm along the pocket park
- Explore increased connection between commercial retail unit (CRU) and the pocket park by allowing activity to spill out onto the sidewalk by design development of the CRU glazing and openings;
- Consider relocation of the amenity room to have increased solar exposure;
- Relocate the playground to the upper floor for better sunlight for adults and children;
- Consider a better location of loading for commercial and residential uses;
- Consider a stronger corner expression; and
- Improve the location of the bike racks.

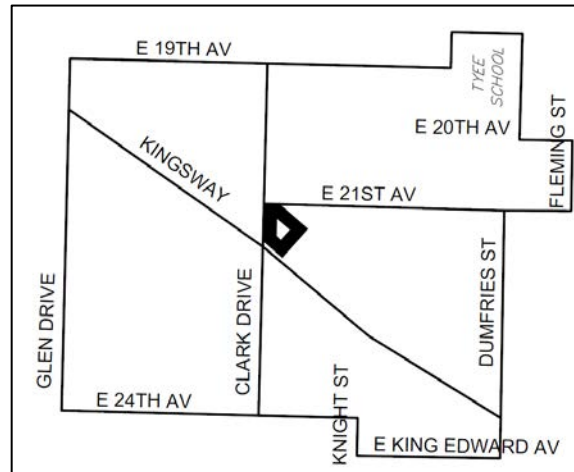
• **Related Commentary:** The two corners of the building are very dominant, and will require design development. The ratio of windows to wall is well done, but be mindful of the dark days in Vancouver. Add sun shading or passive measures for improved passive sustainability measures. The overall design is well done on a complex site. The complexity is well translated on the massing. The massing and density and character are supported. Consider improving the retail façade at the lane. The retail facing the lane should be treated as well articulated as the front side. A few panel mentioned considering the corner massing in relation to the building being a transition to the neighbourhood.

• **Applicant's Response:** The applicant team thanked the panel for their comments.



## 2. Public Consultation Summary

**Public Notification** – A rezoning information sign was installed on site on the site on April 24, 2018. Approximately 1,530 notification letters were distributed within the neighbouring area on or about April 18, 2018. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).



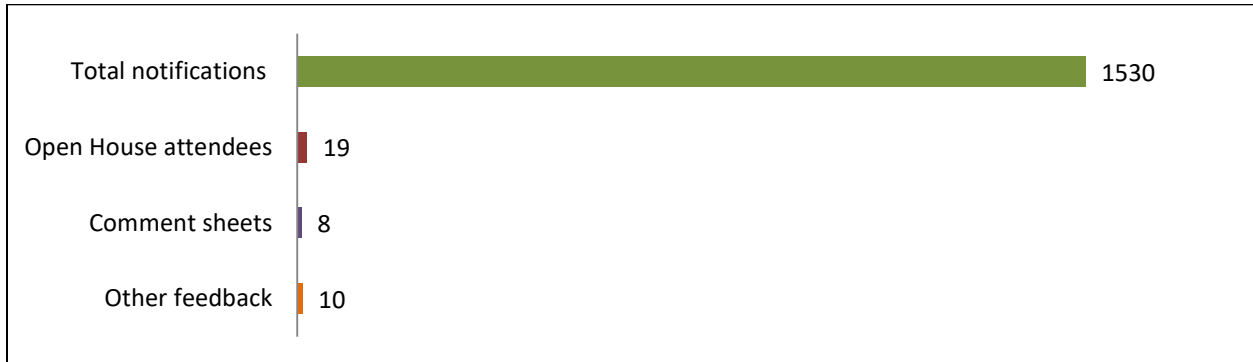
**Community Open House** – A community open house was held on May 8, 2018 at the Church of Nazarene, located at 998 East 19th Avenue. Staff, the applicant team, and 19 people attended the open house.

**Revised Application** – In response to public feedback, the Urban Design Panel and staff review, a revised application was submitted on October 11, 2018.

**Additional Notifications** – In response to the revised rezoning submission, the site signs were amended on October 26, 2018, with a banner indicating that revisions were made to the application. Project revision details were included in a second mail out to approximately 1,568 households, distributed on or about November 9, 2018. In addition to residents and owners within the notification area, this mailing list included open house attendees who indicated a desire for further project updates. Open House attendees who preferred email updates were contacted on November 13, 2018. Revisions were also highlighted on the City's Rezoning Centre webpage.

**Public Response** – Public responses to the proposal have been submitted to the City as follows:

- In response to the May 8, 2018 open house, a total of eight comment sheets were received from the public
- A total of 10 emails and online comments were also received



Note: each comment form or online response can include a number of comments which may reference points in support, potential concerns and questions or neutral/general statements. Therefore, staff focus on qualitative theming of comments and overall percentages are not provided.

Below is a summary of all feedback received from the public by topic, and ordered by frequency:

*Comments of Support:*

- **The provision of new rental housing stock (approximately 5 responses):** Respondents felt that this project addresses the need for more rental units and more affordable housing in Vancouver.
- **The retention of existing businesses (approximately 3 responses):** Respondents considered the existing coffee shop and pub to be important community places and were appreciative of the prioritization of their return.
- **Location and neighbourhood fit (approximately 2 responses):** Those who commented considered the proposed development to be an appropriate addition to the neighbourhood.

*Comments of Concern:*

- **Increased traffic and lack of adequate parking (approximately 6 responses):** Respondents were concerned with the potential for increased traffic volumes on Clark Drive, Kingsway, and 21st Avenue. Some considered traffic from the existing pub to already be an issue on Clark Drive.
- **Building height (approximately 5 responses):** Respondents considered six storeys to be out of scale with the existing streetscape. It was suggested that four storeys would be more appropriate.
- **Building design and aesthetics (approximately 4 responses):** Respondents considered the building unappealing or unrepresentative of the neighbourhood.

- **The provision of landscaping/greenspace (approximately 4 responses):** Respondents considering the landscape plan to be lacking in its provision of community greenspace.
- **Noise generation from commercial spaces (approximately 4 responses):** Respondents expressed concerns with the potential for noise being generated by the patio of the proposed commercial spaces.
- **Impacts on existing businesses (approximately 3 responses):** Respondents considered the existing pub and café to be important community spaces and worried for their future.
- **Location of rental housing (approximately 2 responses):** Respondents were disappointed with the number of rental housing projects being located on noisy and polluted arterial streets.
- **Shadowing (approximately 2 responses):** Respondents were concerned that the proposed building would cast shadows on neighbouring buildings and trees – particularly those along East 21st Avenue.

The following miscellaneous comments were received from the public (note: these were topics that were not ranked as highly as above).

*Comments of support:*

- Appropriate density for this site
- Commercial element fits well with the neighbourhood and will benefit the community
- Appreciative of the retention of the pocket park at corner of Clark Drive and Kingsway

*Comments of concern:*

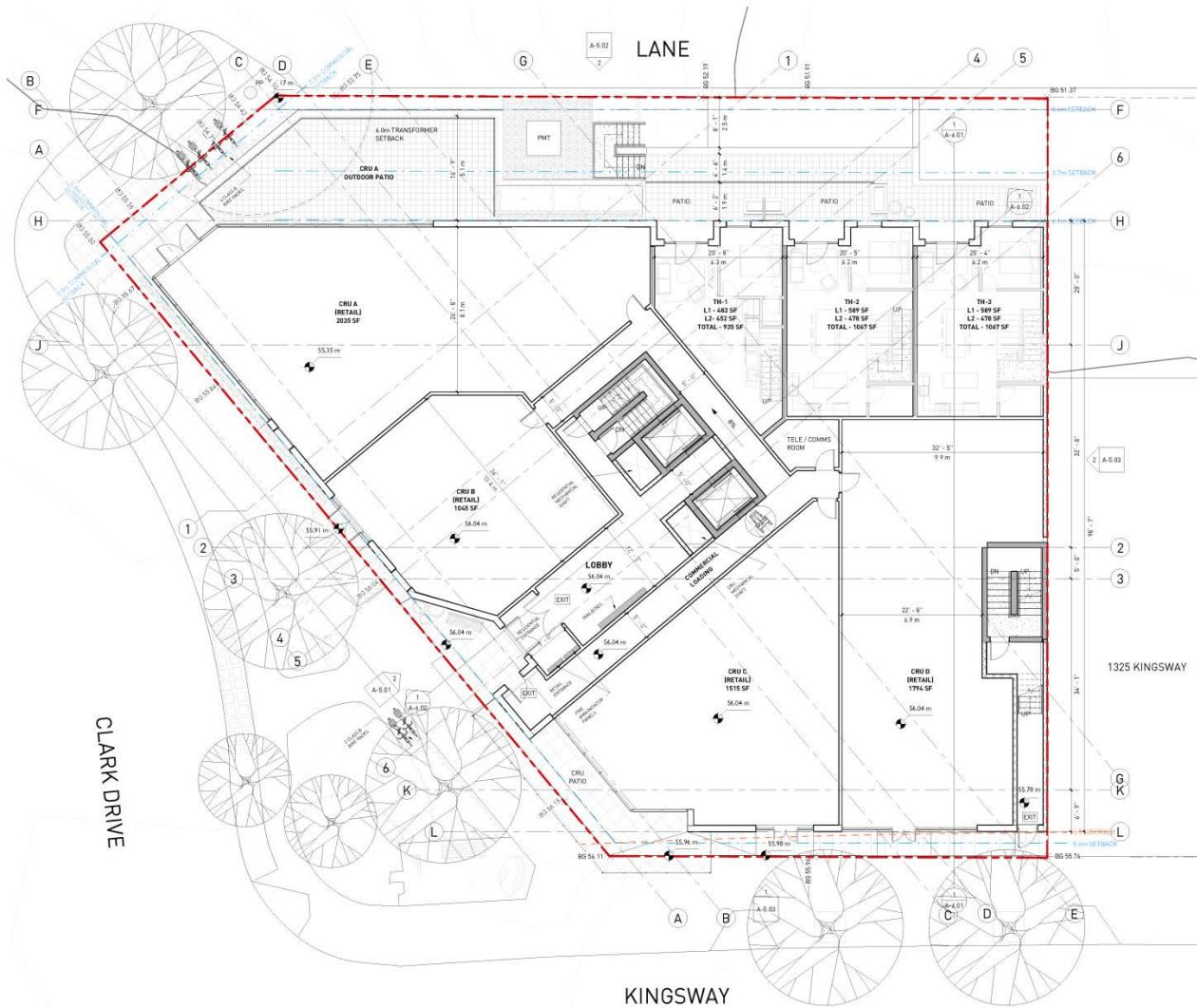
- Preference for more family-sized units
- Too much parking provided
- Concerned that increased traffic will lead to further safety issues at the corner of Clark Drive and Kingsway

*Neutral comments/suggestions/recommendations:*

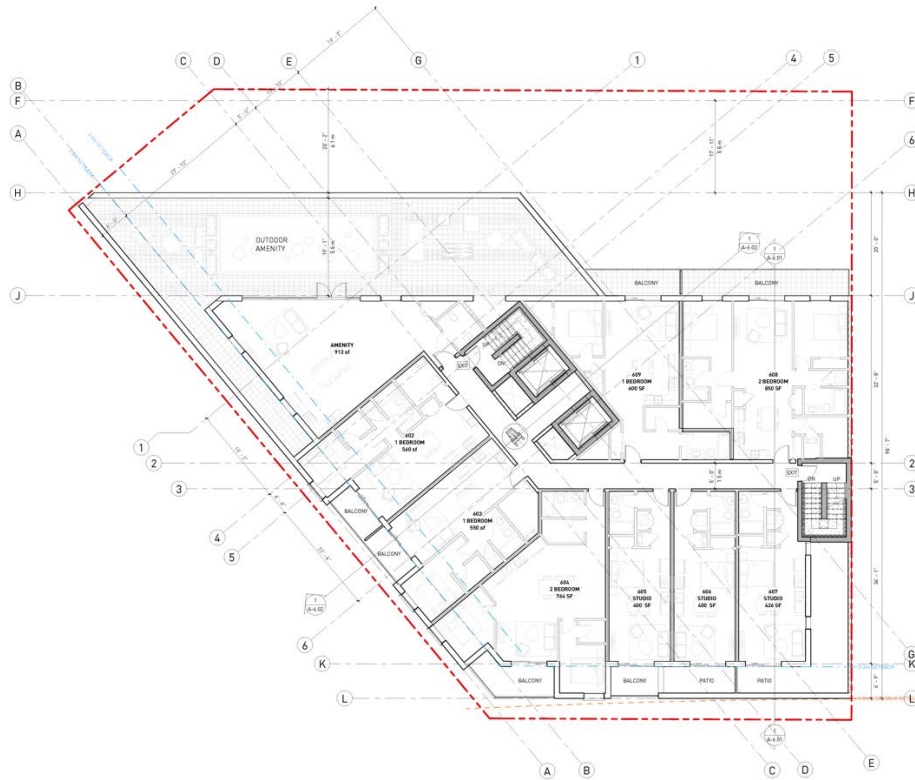
- Would like to see elements of public art as this is a creative and artistic community
- Keep retail footprints small to make them accessible to smaller/local businesses
- The building should be taller
- Residential entry would be better located away from the prominent retail corner
- The proposal focuses too heavily on transitioning to existing single family homes
- Would like to see traffic calming measures on Clark Drive
- Would support a protected bike lane along Kingsway
- Locating the bike racks in the lane will promote theft
- The building should include a green roof
- Sustainability measures should be increased to include reflective materials on the roof and solar panels

1303 Kingsway and 3728 Clark Drive  
FORM OF DEVELOPMENT DRAWINGS

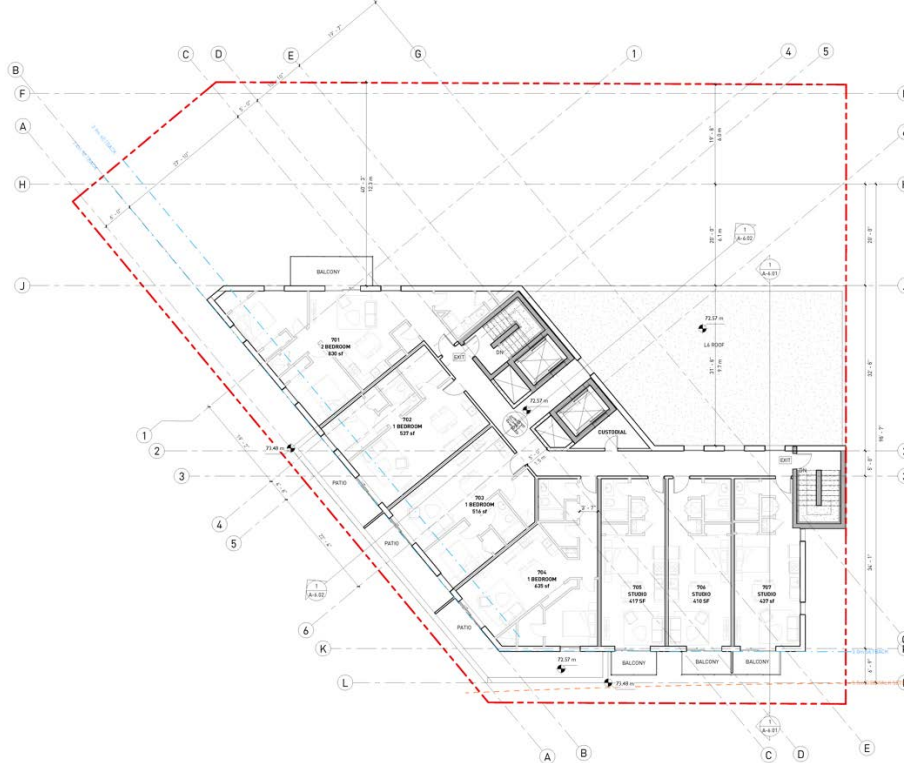
Site Plan



### Level Six Plan



### Level Seven Plan



### Kingsway Elevation



### Lane Elevation



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**1303 Kingsway and 3728 Clark Drive**  
**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 in the Conditions of Approval (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	16	42 m <sup>2</sup> (450 sq. ft.)	40 m <sup>2</sup> (431 sq. ft.)
1-bedroom	18	56 m <sup>2</sup> (600 sq. ft.)	49.7 m <sup>2</sup> (535 sq. ft.)
2-bedroom	14	77 m <sup>2</sup> (830 sq. ft.)	69.1 m <sup>2</sup> (744 sq. ft.)
3-bedroom	6	97 m <sup>2</sup> (1,044 sq. ft.)	94.4 m <sup>2</sup> (1016 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	16	\$1,607	\$1,607
1-bedroom	18	\$1,869	\$1,869
2-bedroom	14	\$2,457	\$2,457
3-bedroom	6	\$3,235	\$3,235

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

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.

\* \* \* \* \*

**1303 Kingsway and 3728 Clark Drive  
PUBLIC BENEFITS SUMMARY**

**Project Summary:**

Six-storey mixed-use building with commercial at grade and 54 secured for profit affordable rental housing units

**Public Benefit Summary:**

The proposal would provide 54 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.

	Current Zoning	Proposed Zoning
Zoning District	C-2	CD-1
FSR (site area = 1,329.8 sq. m (14,314 sq. ft.))	2.50	3.69
Buildable Floor Space (sq. ft.)	35,785 sq. ft.	52,762 sq. ft.
Land Use	Mixed-Use	Mixed-Use

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required <sup>1</sup>	City-wide DCL <sup>2,3</sup>	\$632,114	\$108,351
	City-Wide Utilities DCL <sup>3</sup>	\$180,354	\$37,454
	Public Art	N/A	N/A
	20% Social Housing	N/A	N/A
Other Public Benefits Offered	Heritage and Amenity Bonus Density	N/A	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>\$812,468</b>	<b>\$145,805</b>

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

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

<sup>1</sup> Based on rates in effect as at September 30, 2018. DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification.

<sup>2</sup> City-Wide DCL revenues are allocated as follows: Replacement Housing (36%); Transportation (25%); Parks (18%); Childcare (13%); and Utilities (8%).

<sup>3</sup> DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection, see the City's [DCL Bulletin](#) for details.



**1303 Kingsway and 3728 Clark Drive  
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

<b>Street Address</b>	1303 Kingsway and 3728 Clark Drive
<b>Legal Description</b>	LOT Q (REFERENCE PLAN 6910) BLOCK 36 DISTRICT LOT 301 PLAN 187 PID: 010-314-962
<b>Applicant/Developer</b>	Aquilini Development
<b>Architect</b>	GBL Architects
<b>Property Owner</b>	1106144 B.C. LTD.

**SITE STATISTICS**

<b>Site Area</b>	1329.8 sq. m (14,314 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	3.69 FSR
<b>Floor Area</b>	3,324.5 sq. m (35,785 sq. ft.)	4,901.8 sq. m (52,762 sq. ft.) <b>Commercial:</b> 690.4 sq. m (7,431 sq. ft.) <b>Residential:</b> 4,211.4 sq. m (45,331 sq. ft.)
<b>Maximum Height</b>	13.8 m (45.3 ft.)	22.0 m (72.3 ft.)
<b>Unit Mix</b>	--	Studio            16 One-bedroom    18 Two-bedroom    14 Three-bedroom    6 <b>Total                54</b>
<b>Parking, Loading and Bicycle Spaces</b>	As per Parking By-law	As per Parking By-law: 47 vehicle spaces, 2 Class B loading spaces, and 110 Class A and 6 class B bicycle spaces.
<b>Natural Assets</b>		--

\* \* \* \* \*