



REFERRAL REPORT

Report Date: February 25, 2020
Contact: Theresa O'Donnell
Contact No.: 604.873.7440
RTS No.: 13671
VanRIMS No.: 08-2000-20
Meeting Date: March 10, 2020

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 445 Kingsway and 2935 St. George Street

RECOMMENDATION

- A. THAT the application, by Acton Ostry Architects Inc., on behalf of Razgul Holdings Ltd. (Inc. No, BC689424) and Azizamalco Holdings Canada Ltd. (Inc. No, BC1124915), to rezone 445 Kingsway and 2935 St. George Street [*PID: 011-726-598; Lot L, Block 132, District Lot 264A, Plan 21842; and PID: 009-994-131; Lot 2, Except Part in Explanatory Plan 6822, of Lot A, Block 132, District Lot 264A, Plan 7272; and PID: 010-671-919; Lot 1 of Lot A, Block 132, District Lot 264A, Plan 7272*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 7.22 and the building height from 13.8 m (45.0 ft.) to 47.65 m (156.4 ft.) to permit the development of a 14-storey mixed-use building with commercial uses at grade and 215 secured rental housing units, with 20 per cent of the residential floor area being secured as moderate income units, under the *Moderate Income Rental Housing Pilot Program*, be referred to a Public Hearing, together with:
- (i) Plans prepared by Acton Ostry Architects Inc., received July, 23 2019;
 - (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 Planning, Urban Design and Sustainability.
- C. THAT, subject to enactment of the CD-1 By-law, the *Sign By-law* be amended generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Sign By-law at the time of enactment of the CD-1 By-law.

- D. THAT, subject to enactment of the CD-1 By-law, the *Noise Control By-law* be amended 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 445 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District under the *Moderate Income Rental Housing Pilot Program* (the “**MIRHP Program**”). The application proposes a mixed-use development consisting of a 14-storey mixed use building with commercial uses at grade and 215 rental housing units, where 20 per cent of the residential floor area is reserved for Moderate Income Rental Housing Units (the “**moderate income units**”), being units reserved for households earning a moderate income and rented at rates affordable to such households. A height of 47.65 m (156.4 ft.) and a density of 7.22 FSR are recommended, of which a maximum of 4.78 FSR would be permitted above grade, with the remaining below grade limited to vehicle storage and similar uses.

Staff have assessed the application and conclude that it meets the intent of the MIRHP Program.

The application is also consistent with the *Vancouver Development Cost Levy By-law No. 9755* definition of “for-profit affordable rental housing” for which certain Development Cost Levies (“DCLs”) may be waived, as described in this report.

If approved, the application would contribute approximately 215 secured rental housing units towards the City’s rental 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

- *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives (2017, last amended 2019)*
- *Housing Vancouver Strategy (2017)*
- *Mt. Pleasant Community Plan (2010)*
- *Mt. Pleasant Public Realm Plan (2013)*
- *Family Room: Housing Mix Policy for Rezoning Projects (2016)*
- *High-Density Housing for Families With Children Guidelines (1992)*
- *Green Buildings Policy for Rezoning (2009, amended up to 2018)*
- *Urban Forest Strategy (2014)*
- *Community Amenity Contributions through Rezoning (last amended 2018)*
- *Vancouver Development Cost Levy By-law No. 9755 (2008, last amended 2019)*
- *Vancouver Utilities Development Cost Levy By-law No. 12183*
- *C-2 District Schedule and Design Guidelines (2003)*

REPORT

Background/Context

1. Site and Context

This 4,330 sq. m (46,609 sq. ft.) site is located on the north side of Kingsway, west of St. George Street (see Figure 1). It has a frontage of 121.9 m (400 ft.) along Kingsway and 79.2 m (260 ft.) along St. George Street. Currently, the site is developed with one-storey commercial buildings and a car lot. The adjacent property to the northwest on Kingsway is zoned C-2 with an existing one-storey commercial building. The properties directly north are City-owned, zoned RT-5 and developed with the Kivan Boys and Girls Club.

The site fronts Robson Park, located to the east across St. George Street, with the Mt. Pleasant Family Centre currently operating within the park. Mount St. Joseph Hospital campus is to the south across Kingsway.

In July 2016, Council approved at public hearing a proposed 6-storey mixed-use secured rental building for this site under the Rental 100 policy, including approximately 109 rental units, an FSR of 3.69 and a car dealership at grade. The same ownership group made the application and

the approved draft By-law is yet to be enacted. The site remains under its original C-2 zoning. The previously approved application from 2016 can be viewed online:

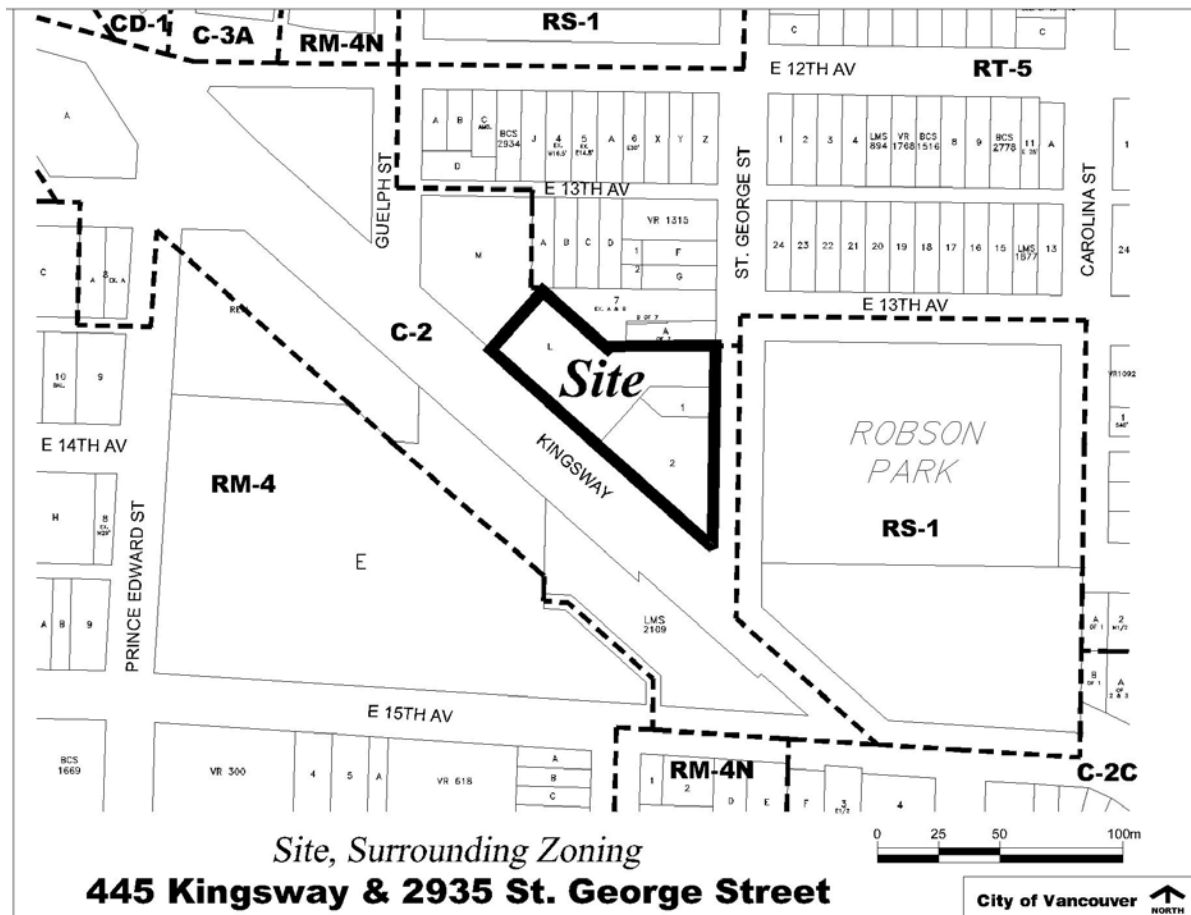
<https://rezoning.vancouver.ca/applications/445kingsway/archives.htm>

Neighbourhood Amenities – The following neighbourhood amenities are within the local area:

- Robson Park, located immediately to the east.
- The Mt. Pleasant Family Centre is located across the street within Robson Park, providing family drop-in services to the community.
- The Kivan Boys and Girls Club is located adjacent the site immediately to the north and provides after school youth programming.
- Florence Nightingale School is approximately 200 m to the north.
- Mt. Pleasant Community Centre is approximately 750 m to the northwest along Kingsway.

Local School Capacity – This site is located within the catchment area of Nightingale elementary, which currently has an operating capacity of 364 students. According to the *Vancouver School Board (VSB)'s Draft Long Range Facilities Plan* dated May 29, 2019, enrolments in 2017 resulted in 236 spaces. By 2027, the draft plan forecasts 69 per cent enrolment. The overall enrolment trend for the area is changing anticipating sufficient space to accommodate current and forecast enrolment.

Figure 1: Site at 445 Kingsway and Surrounding Zoning



2. Policy Context

Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives (2017) – On November 29, 2017 Council approved the application process, project requirements and incentives for moderate income rental housing. Between January 1, 2018 and July 1, 2019, the City accepted rezoning proposals for new buildings where 100 per cent of the residential floor area is secured as rental housing and at least 20 per cent of the residential floor area is permanently secured as moderate income units. Those moderate income units are to be rented at rates targeted to meet the affordability needs of moderate income households earning between \$30,000 and \$80,000 per year and there are to be caps on rental increases at rates set under the provincial *Residential Tenancy Act*, even on a change in tenant. The purpose of the pilot is to test the level of interest from the development industry and demonstrate financial and operational feasibility of these projects in different parts of the city, including the level of affordability that can be achieved.

On November 26, 2019 Council approved an extension of the timeline of the MIRHP Program to enable new rezoning proposals to be considered until January 1, 2021. Following the pilot, staff will report back to City Council with lessons learned, and if appropriate, recommendations for a new, long term program to encourage the construction of moderate income rental housing.

Housing Vancouver Strategy (2017) – In November 2017, Council approved the *Housing Vancouver Strategy (2018-2027)* and *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, shifting housing production towards rental to meet the greatest need, and 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.

Mt Pleasant Community Plan – In November 2010, Council approved the *Mt Pleasant Community Plan*. This site is not within the implementation areas designated for focused growth through rezoning. The Plan does support the provision of more affordable rental housing, as well as to consider increased housing density near transit hubs, commercial centres, and along arterial streets.

The *Mt Pleasant Community Plan Implementation Policy*, approved by Council in October 2013, also applies to the subject site. The Public Realm Plan chapter of this policy reinforces St. George Street as a “Rainway/Artway” street connecting Great Northern Way to Kingsway, and encourages the St. George corridor to reflect and reinforce the creek environment, biodiversity, stormwater collection, and art and culture.

Broadway Plan Area Interim Rezoning Policy – This site is located on the southern edge of the Broadway Plan study area within approximately 600 m of the planned future Skytrain station at Broadway and Main Street. This application meets the criteria of Policy 1 within the *Broadway Interim Rezoning Policy* and is eligible to proceed through the rezoning process prior to completion of the Plan.

Development Cost Levy By-Laws – Under Section 3.1A of the *Vancouver Development Cost Levy By-law* No. 9755 (the “**DCL By-law**”), and Section 3.2 of the *Vancouver Utilities Development Cost Levy By-law* No. 12183 (the “**Utilities DCL By-law**”) projects that meet the by-laws’ definition of “for-profit affordable rental housing”, a term specifically used by the province in Section 523D(10.3)(a) of the *Vancouver Charter*, are eligible for a waiver of DCLs and Utilities DCLs for the residential portion of the development. The DCL By-law and the Utilities DCL By-law establish maximum unit sizes and maximum average rents by unit type for the project to be eligible for the waiver. Current rental rates and unit sizes are outlined in the *Rental Incentive Programs Bulletin* and are updated on an annual basis.

On November 26, 2019, Council approved changes to the DCL By-law and the Utilities DCL By-law, including changes to clarify administrative provisions and to introduce new maximum average rent criteria that better enable projects that meet the affordability requirements in the *MIRHP Program* to be eligible for a waiver of City-wide DCLs for the residential portion of the project under the DCL By-law. Council also approved changes to the Utilities DCL By-law to remove the waiver for “for-profit affordable rental housing,” effective September 30, 2020. However, applications submitted before this date will remain eligible for a waiver of the Utilities DCLs for the residential portion of the project under the Utilities DCL By-law (the “**Utilities DCLs**”), provided that a building permit is issued within 12 months of the effective date of the Utilities DCL By-law change.

Staff note that the term “for-profit affordable rental housing” as defined by the *Vancouver Charter*, and used in relation to the DCL By-law and Utilities DCL By-law does not necessarily create rental units that are affordable to all Vancouver residents. The waiver of both the DCLs and the Utilities DCLs provides opportunities for the creation of a range of rental levels, in accordance with the housing continuum objectives of the Vancouver Housing Strategy.

Strategic Analysis

1. Proposal

This application proposes a mixed-use building consisting of commercial uses at grade and 215 secured rental housing units of which 20 per cent of the residential floor area is being secured as moderate income rental units. The recommended height is 47.65 m (156.4 ft.) with an accompanying FSR of 7.22 (of which 2.44 is located below grade).

Figure 2: Aerial Perspective from Kingsway, Looking North



The staff recommendation includes a nominal change in height and density due to technical discrepancies in how height and density are calculated. The original height indicated by the applicant was approximately 48.88 m (160.37 ft.). The overall FSR has increased slightly from 6.96 to 7.22. The proposal itself has not changed as a result of these recommendations.

2. Land Use

The site is currently zoned C-2 (Commercial). The intent of the C-2 District Schedule and Design Guidelines 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 through building design that furthers compatibility among uses, ensures livability, and contributes to pedestrian interest and amenity. To encourage the delivery of increased below-market housing opportunities, the MIRHP Program allows for consideration of higher density residential uses.

This proposal, with residential and commercial land uses, is consistent with the intent of the MIRHP Program and the C-2 district schedule. A total of 17,938.1 sq. m (193,084 sq. ft.) of residential floor area is proposed, as well as 13,306.6 sq. m (143,231 sq. ft.) of commercial floor area. A total of 1873.7 sq. m (20,168 sq. ft.) of retail and 897.6 sq. m (9662 sq. ft.) of office are proposed along Kingsway and wrapping around the corner of St. George Street. The remainder of the commercial floor area is dedicated to the storage of off-site vehicles below grade.

100 per cent of the residential space is dedicated to residential rental units.

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

The MIRHP Program permits consideration of additional height and density to support a limited number of moderate income rental developments. For sites zoned C-2 and at an arterial intersection a building height up to 14-stories may be considered.

Figure 3: Perspective Looking Southwest down St. George Street



As there are limited urban design directions under the MIRHP Program, staff evaluated the proposed form of development based on the following considerations:

- Intent of existing zoning
- Height: response to location and context
- Neighbourliness: impact mitigation to adjacent neighbourhood development
- Streetscape: contribution to public realm and pedestrian experience, supporting local services and community gathering, along both Kingsway and St. George Street

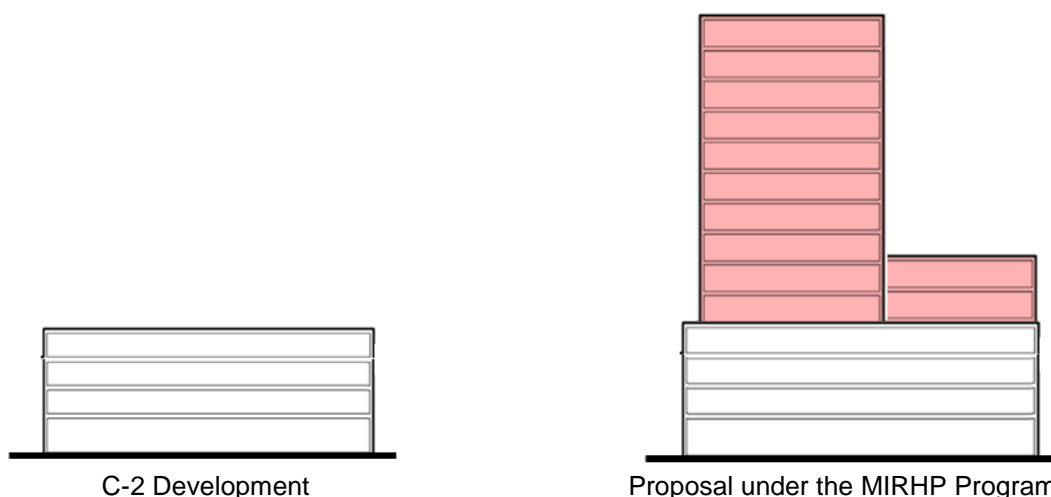
Existing Zoning – If development were to occur under the existing C-2 zoning, the conditional development potential of the site would be a maximum 13.8 m (45 ft.) in height and 2.5 FSR most likely in the form of a four-storey mixed-use building with commercial uses at grade.

On November 26, 2019, Council directed staff to review the C-2 district schedule to introduce a new 6-storey mixed-use rental-only development option. Staff anticipate bringing forward these changes for Council consideration later this spring.

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. This schedule emphasizes building design that furthers compatibility among uses, ensures livability, limits impact on adjacent residential sites, and contributes to pedestrian interest and amenity.

Development under the MIRHP Program allows for consideration of a tower-podium form with a tower height up to 14 storeys at this location. This form of development would exceed the building form anticipated under existing zoning (see figure 4), which creates some challenges in meeting the intent of the existing C-2 District Schedule as it relates to impact on adjacent residential sites and the public realm.

Figure 4: Form of Development Comparison

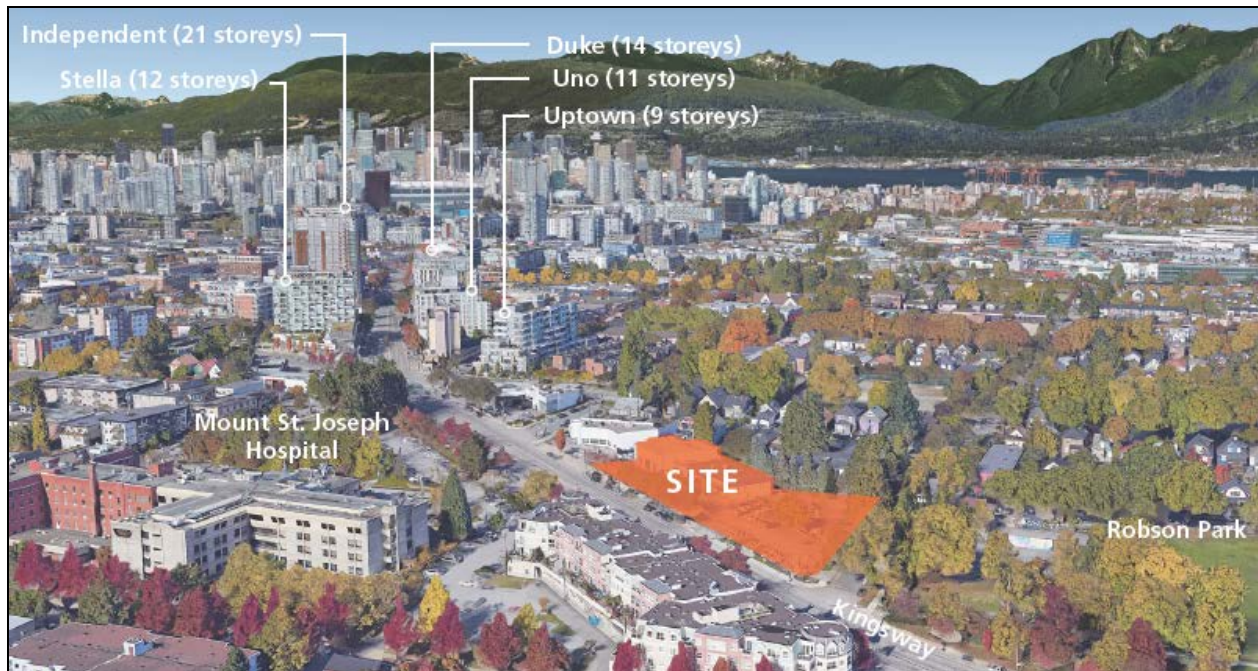


Height – The MIRHP Program allows for consideration of up to 14 storeys on this site, located at an acute-angled corner of Kingsway and St. George Street with large frontages along both streets. Kingsway is 100 ft. wide and is a primary arterial serving the city and region. St. George

is a local street proposed to be closed to vehicle traffic between Kingsway and 13th Avenue, allowing for an expansion of Robson Park into the road right of way.

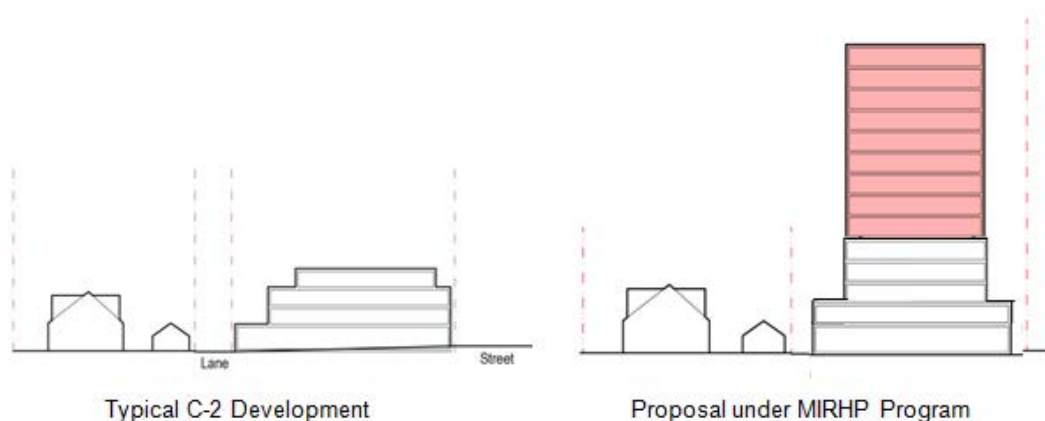
There are several existing larger scale developments in the area, as shown on the image below.

Figure 5: Image of Nearby Higher Developments



The application proposes two 14-storey towers with a 5-storey podium. The proposed heights have been evaluated as an appropriate response to the location and the surrounding context.

Neighbourhood Fit – The MIRHP Program requires proposals to consider and respond to the existing context and transition effectively to surrounding lower density residential areas. As illustrated in Figure 6, the proposed building typology is a departure from the current zoning expectation. Staff acknowledge that a proposed higher form and massing at this location requires several careful design considerations to address potential challenges including: solar access, transitional relationship, privacy and noise impacts. These considerations have been addressed to some extent through the rezoning application and will be further addressed through the development permit process, should Council approve this application.

Figure 6: Relationship to Properties to the North

Solar Access: Staff prioritize solar access onto public spaces rather than private lands. As such, the proposed form of development has been significantly shaped to limit shadowing on Robson Park. In comparison to a development under existing zoning and the Council approved Rental 100 building, this current proposal shadows Robson Park less during both equinoxes. However, additional shadows are cast onto the neighbouring properties, particularly to the backyards of the six properties due north.

Transitional Relationship: Transitional massing is provided through appropriate tower placement and orientation and through podium height terracing down to the north. The two proposed towers are approximately 80 ft. apart with gross floor plate sizes of approximately 6,500 sq. ft. They are placed perpendicular to one another, efficiently utilizing the depth of the site to provide separation from adjacent properties while also prioritizing solar access on Robson Park. The 5-storey podium massing has been terraced down to a 3-storey height as a transition to the adjacent Kivan Club.

Privacy and Noise: The proposal also provides large setbacks and substantial landscaped buffers along the north property line to reduce overlook and noise. Further development will occur through the development permit process. Staff have included urban design conditions in Appendix B to mitigate the privacy and noise impact from common and private outdoor spaces and to reduce the visual impact of any large solid walls adjacent to the north property line.

Streetscape – Kingsway is a primary shopping street within Vancouver’s arterial street grid. Development on Kingsway under C-2 zoning is expected to contribute to urban design objectives including a compatible streetscape, a high level of sunlight penetration onto shopping streets, a sense of openness to the street space, engaging commercial frontages with diverse and active shops at grade, and a high quality pedestrian-oriented public realm.

The site frontage along Kingsway is quite long at approximately 400 ft. In response, the building facade should be broken up to be compatible with existing and anticipated developments. The proposal expresses smaller scale “building widths” through varied setbacks of podium and towers. Staff support the approach with recommendations to further strengthen the rhythm of the massing, including design refinement to improve visual interest of the towers, particularly the east tower which is highly visible from Robson Park and when travelling westbound on Kingsway.

The site is on the north side of Kingsway. Given Kingsway's wide 100 ft. right-of-way, the large site frontage, and sufficient tower separation, the impact of the towers to the street space is considered reasonable. In addition, the 5-storey podium height has a stepback above level two. Although this podium expression slightly deviates from the C-2 zoning which usually emphasizes a continuous 3-storey street wall, the massing as proposed delivers visual relief to pedestrians and achieves a similar feeling of openness to the street.

Significant design refinements to the public realm are recommended to ensure viability and diversity of commercial uses, and to deliver a rich, active, safe and inviting pedestrian experience along Kingsway. Design conditions related to these recommendations are included in Appendix B.

Amenity – The application provides generous outdoor amenity spaces on varied roof decks, including on the second, third and seventh levels, as well as the rooftops of both towers that include urban agriculture facilities. Indoor amenity rooms are also provided on level three.

The *High-Density Housing for Families with Children Guidelines* require that sufficient outdoor and indoor amenities be provided to meet the needs of children and adults. More specifically, the indoor amenity space should be large enough to accommodate 40 per cent of the estimated adult population. When a project anticipates more than 70 children, special care must be taken with site planning and design and extra provision should be made for children's play.

Given this development includes 215 dwelling units with 35 per cent family-oriented units, the proposed indoor amenity space and children's play area appears challenged to accommodate the desired activities for children and adults. Staff recommend additional indoor amenity be provided on level six adjacent to the proposed roof deck and also recommend consideration of a second children's play area on this roof deck which has significant solar exposure throughout the day and year.

Livability – The MIRHP Program allows for consideration of the relaxation of unit sizes and configurations subject to the projects location, liveability, design performance, and affordability. Considerations include the relaxation of the size of studio units from a minimum of 37 sq. m (398 sq. ft.) to 29.7 sq. m (320 sq. ft.), along with the provision for some inboard bedrooms (bedrooms without external windows) within the three-bedroom moderate income rental units.

This application does not propose any inboard bedrooms; however, some studio units less than 37 sq. m (398 sq. ft.) are proposed. Detailed unit plans and furniture layouts will be evaluated as part of a development permit application to ensure unit livability is achieved.

Landscape, Green Space Expansion, and St. George Rainway – This proposal will contribute significant new soft and hard landscaping including provision of urban agriculture facilities and stormwater infrastructure both on-site and within the St. George Street public right-of-way through implementation of a portion of the St. George Rainway as outlined in the *Mt. Pleasant Community Plan Implementation Policy*.

This community-driven initiative intends to reflect and reinforce a nearby buried stream through biodiversity, stormwater collection, and art and culture improvements. Conditions in Appendix B require the applicant construct or provide full funding for the closing of this block of St. George Street to vehicle traffic, installation of new stormwater infrastructure, bicycle lanes, a public gathering space including art/performance space and creek commemoration, and associated public realm upgrades.

The design has been shaped to retain a large Cedar tree near the St. George Street property line, along with four off-site trees near the north property line. Additional landscaping conditions can be found in Appendix B, including improvements to the street interface and public realm, the sustainability strategy, the rainwater management plan, and the overall soil volume and tree canopy.

Urban Design Panel – The Urban Design Panel reviewed this application on October 2, 2019 and supported the proposal with recommendations to further develop the architectural expression, residential entry and landscape. For detailed panel comments, refer to Appendix E.

Staff recommend approval based on the pilot program nature of the MIRHP Program, and note the proposed form, massing and height are a good response to the objectives of the pilot. Staff support this application subject to conditions outlined in Appendix B.

4. Housing

The *Housing Vancouver Strategy* (Housing Vancouver) and associated 3 Year Action Plan is the culmination of a year-long process of gathering, synthesizing and testing new ideas and approaches to addressing housing affordability in Vancouver. The MIRHP Program is a new approach to help provide an important supply of homes for households who are not eligible for or do not want to live in social housing but cannot afford market rental housing. The addition of new moderate income rental units and market rental units to the City's inventory contributes towards the Housing Vancouver target as shown in Figure 7.

Figure 7: Progress Toward 10 Year Housing Vancouver Targets for Purpose-Built Market and Developer-Owned Below Market Rental Housing as of December 31, 2019

Housing Type	CATEGORY	10-YEAR TARGETS	Units Approved Towards Targets
Purpose-Built Market Rental Housing Units	Market Rental	16,000	3,130
	Developer-Owned Below Market Rental	4,000	74
	Total	20,000	3,204

**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 exhibited historically low vacancy rates in the last 30 years. In 2019, the purpose-built apartment vacancy rate was 1.0 per cent in Vancouver. The vacancy rate (based on the Canadian Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the Mount Pleasant/Renfrew Heights area was 1.3 per cent, meaning 13 out of every 1,000 market rental units in the area were empty and available for rent. A vacancy rate of 3 per cent is considered to be a balanced rental market.

Market rents continue to be high in light of significant demand and limited supply, and new market rental and moderate income rental units are important parts of the housing continuum which help reduce pressure on the existing rental stock. The high cost of land and construction means that new market rental units will rent at higher rates than existing, older apartment rental units. The MIRHP Program is intended to ensure that more rental housing options are created

that meet the affordability needs of those annually earning between \$30,000 and \$80,000 and restricts market access to these units through the use of eligibility criteria.

Housing Mix – On July 13, 2016, Council adopted the *Family Room: Housing Mix Policy for Rezoning Projects* policy which includes family housing requirements set at 35 percent. These units are to be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

This application proposal provides for a broad cross section of household types. It would deliver 75 family units (35 per cent) across the project, and meets the family unit requirements in both the market rental and moderate income rental portions of the scheme. The complete unit mix is illustrated in Figure 8 and in Appendix F.

Figure 8: Proposed Unit Mix, Market and Moderate Income Rental

Market		Moderate Income	
Studio	43	Studio	11
1-bed	72	1-bed	14
2-bed	41	2-bed	13
3-bed	15	3-bed	6
Total	171	Total	44
Total 215 units			

Proposed Rents and Income Thresholds – In 2016, the median household income in the Mt. Pleasant neighbourhood was \$66,299. Under the MIRHP Program, the application must provide 100 per cent secured rental units with a minimum of 20 per cent of residential floor area as moderate income rental units. This application would deliver approximately 44 units to be rented at rates that meet the affordability requirements of moderate income households under the MIRHP Program, as illustrated in Figure 9.

Figure 9: Proposed Rents for Moderate Income Rental Units, Market Rents in Newer Eastside Buildings, Costs of Ownership and Household Incomes Served

	Moderate Income Rental Units		Newer Rental Buildings - Eastside ²		Median-Priced Ownership Unit – Eastside ³	
Unit Type	Average Starting Rents	Average Household Income Required ¹	Average Market Rent	Average Household Income Required ¹	Monthly Costs of Ownership	Average Household Income Required ¹
Studio	\$950	\$38,000	\$1,556	\$62,000	\$2,455	\$98,000
1 Bedroom	\$1,200	\$48,000	\$1,746	\$70,000	\$3,009	\$120,000
2 Bedroom	\$1,600	\$64,000	\$2,339	\$94,000	\$4,112	\$164,000
3 Bedroom	\$2,000	\$80,000	\$2,828	\$113,000	\$5,897	\$236,000

¹ As per CMHC, affordable housing is defined as shelter costs equal to less than 30 per cent of total before-tax household income, and these values represent the average minimum household income required for the average unit according to the CMHC definition. The actual rents and income required will be a range.

² October 2018 CMHC Rental Market Survey for buildings completed in year 2008 or later, Vancouver Eastside.

³ BC Assessment 2018, based on the following assumptions in 2018: median of all BC Assessment recent sales prices in Vancouver Eastside in 2018 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150 – 250 monthly strata fees and monthly property taxes at \$2.47 per \$1,000 of assessed value.

To be eligible for moderate income rental housing, a household must have a gross annual income that meets the requirements for the specific unit type, and there must be at least one household member per bedroom. The eligibility requirements are described in further detail in the *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives* document. All residents in the building will have equal access to common indoor and outdoor amenities and facilities illustrated in the architectural drawings in Appendix E.

Based on median incomes for Metro Vancouver, a one-bedroom moderate income rental unit would be affordable to persons employed in a variety of occupations such as services workers, trades workers, entry-level researchers and non-profit workers. A three-bedroom moderate income rental unit would meet the needs of a two-income family employed in sectors such as trades, industrial arts, and human resources.

Average market rents in newer rental buildings on the eastside are also shown in the middle two columns in Figure 9. A market rental studio unit could meet the needs of a single person employed in occupations such as administrative services management, etc. A two-bedroom market rental unit could meet the needs of a couple employed in occupations such as technical roles in construction or engineering.

The market rental housing component will provide options that are significantly less expensive than home ownership as illustrated in Figure 9.

Waiver of DCLs and Utilities DCLs – MIRHP Program projects that qualify as “for-profit affordable rental housing” under the DCL By-law and Utilities DCL By-law are eligible for a waiver of the DCLs and Utilities DCLs provided that the building permit is issued prior to September 30, 2021. The applicant has requested a waiver of the DCLs and Utilities DCLs for the residential portion of the building. The average proposed starting rents across the moderate income rental units, which comprise at least 20 per cent of the residential floor area that is counted in the calculation of the floor space ratio, are required to meet the maximum average rents as outlined in the DCL By-law and Rental Incentive Programs Bulletin.

The DCL By-law and the MIRHP Program do not allow rents for the moderate income rental units to be increased ahead of initial occupancy, and subsequent increases are permanently capped at the annual allowable rate permitted under the *Residential Tenancy Act*, S.B.C. 2002 c. 78, regardless of any change in the tenancy. The applicant will be required to submit a DCL Waiver Form, including a final rent roll that sets out the starting monthly rents for the moderate income rental units prior to issuance of the occupancy permit in order to ensure compliance with the DCL By-law and the MIRHP Program.

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. More information on the Development Cost Levy Waiver can be found in Appendix F.

Security of Tenure – All 215 units in the project will be secured as rental through a Housing Agreement and a Section 219 Covenant for the longer of 60 years or the life of the building. The Housing Agreement is to be authorized by Council by enactment of a by-law and registered on title to the development lands to secure starting rents for the moderate income units (as per Figures 9), and will prohibit the stratification and separate sale of individual units. The Housing Agreement will also limit the rates at which rents for the moderate income units may be increased, even on a change in tenant. Annual reporting on the operation of the moderate

income units will be required and will contain information including rents and verification of tenant eligibility. The addition of new moderate income units and market rental units contributes towards Housing Vancouver targets. Conditions related to securing the units are contained in Appendix B.

Existing Tenants – As there are no existing residential units on this site, a Tenant Relocation Plan is not required.

5. Transportation and Parking

The application proposes approximately 215 vehicle parking spaces in three levels of underground parking for the residential, commercial and visitor use, thereby exceeding the Vancouver Parking By-law requirement of 170 parking spaces for all uses. Two additional levels of underground vehicle storage are proposed to serve a nearby off-site car dealership under the same ownership. In addition, the application proposes 442 bicycle spaces.

Underground loading and vehicle access is proposed along Kingsway via a new full signal aligning with the existing access for Mount St. Joseph Hospital. This allows opportunity to close St. George Street to vehicle traffic and incorporate new bicycle lanes, tree planting, public gathering space and stormwater infrastructure, thereby further implementing portions of the St. George Rainway/Artway concept, as outlined in the Mt. Pleasant Public Realm Plan. It is proposed to retain the existing pedestrian-activated signal light at the intersection of Kingsway and St. George Street to ensure safe crossing for cyclists and pedestrians traveling north-south.

The site is served by frequent bus service along Kingsway and is approximately 600 m from existing 99 B-line service and a future Skytrain station at Broadway and Main Street.

Staff encourage applicants of rental developments to take advantage of the available Transportation Demand Management (TDM) Plan provided for in the Vancouver Parking By-law to further reduce maximum parking requirements. TDM plans remain an available option for applicants at the Development Permit stage.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Building Policy for Rezoning* (2010, last amended 2018) requires that residential rezoning applications satisfy either the near zero emission buildings or the low emissions green buildings conditions within the policy.

This application is required to satisfy the *Green Buildings Policy for Rezoning* and is pursuing the low emissions green buildings requirement. 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.

Natural Assets – The *Urban Forest Strategy* was developed to find ways to help preserve, protect, and strengthen Vancouver's urban forest and tree canopy for the future. In April 2014, Council amended the *Protection of Trees By-law* to maintain a healthy urban forest by requiring

permission to be granted to remove trees that meet certain conditions. The intent is to retain and protect as many healthy, viable trees as possible, while still meeting the challenges of development, housing priorities, and densification. This is in keeping with City goals to achieve resilient and healthy natural systems in our urban areas. A 'by-law sized tree' has a tree trunk diameter of 20 cm or greater and requires a tree permit when it is proposed to be removed.

There are currently 24 existing by-law sized trees on the site. The proposed building footprint and underground parking has been set back to retain a large Cedar tree located on City property near the property line adjacent to St. George Street. Four off-site and 10 additional City trees are also retained.

This application, if approved, will provide approximately 26 net new on-site trees as well as a number of net new street trees along Kingsway and within the St. George Street right of way. The final number of trees planted will be determined through the Development Permit process.

A buried stream runs roughly along St. George Street to the north and south of the site and is the impetus behind the community-initiated St. George Rainway/Artway proposal outlined in the Mt. Pleasant Community Plan. Included as conditions in Appendix B is the closing of this block of St. George Street to vehicle traffic to allow for the installation of stormwater infrastructure, public art and additional green space, with potential to include historical and/or educational information regarding urban hydrology.

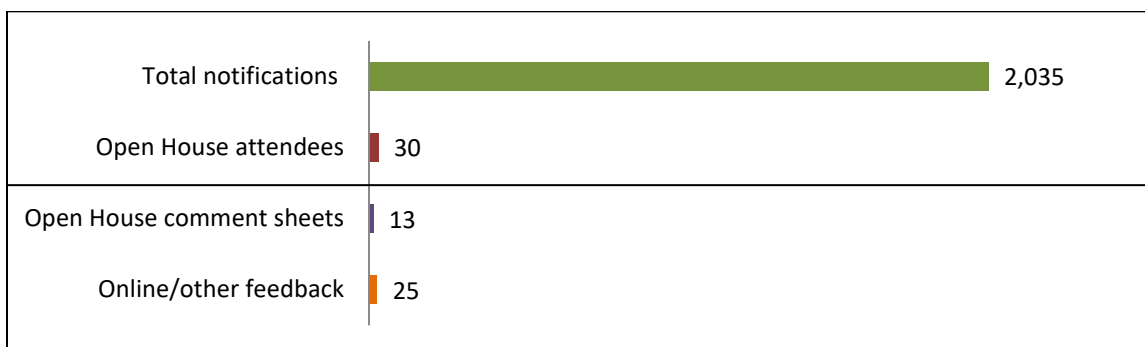
PUBLIC INPUT

There were two community open houses held for the project - one developer led pre-application open house and one City led open house.

Pre-Application Open House – The applicant held a pre-application open house on May 22, 2019 at Florence Nightingale Elementary School, to solicit early feedback on the proposal. Approximately 35 individuals attended the open house with 22 hand written comments received. Support was voiced for the inclusion of moderate income family oriented housing and retail. Limited concern for the project highlighted the height and density and shadow impacts.

Public Notification – A rezoning information sign was installed on the site on August 16, 2019. Approximately 2,035 notification postcards were distributed within the neighbouring area on or about August 22, 2019. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

Community Open House – On September 19, 2019, a community open house was held from 5:00-8:00 pm at Glad Tidings Church, 3456 Fraser Street. Staff, the applicant team, and approximately 30 people attended the open house.

Figure 10: Public Notification and Responses (September 19, 2019 Open House)

* Note that all reported numbers above are approximate

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.

Some duplication of responses may result where respondents chose to provide feedback to a rezoning application more than once using a number of mediums (open house comment sheet, online feedback, form letter, petition, etc.).

Public Response – A total of 38 comments have been received via comment sheets, letters, emails, or on-line comment forms. Appendix D provides a detailed summary of the results of the public consultation. A summary of key themes and staff response is provided below.

Support for the proposal cited the following:

- Affordable rental units
- Positive impact on neighbourhood and Robson Park
- Building height and density are appropriate given demand for rental units and location

Concerns expressed by respondents included the following:

- Transportation: traffic and parking
- Building height, density and neighbourhood context
- Impact to surrounding private views

A detailed summary of public comments in response to the rezoning application may be found in Appendix D.

Staff Response – Public feedback has assisted staff with assessment of the application. Response to key feedback is as follows:

Traffic and parking: Appendix B includes a number of conditions that result in improvements to the public realm and to pedestrian and cyclist safety, including the potential closure of this block of St. George Street to vehicle traffic, creating new cycle paths and gathering spaces, as well as improvements to the sidewalk along Kingsway. These improvements are anticipated to increase safety for cyclists, residents and children using Robson Park, the Mt. Pleasant Family Centre and the Kivan Boys and Girls Club. Despite the proposed closure of St. George Street at Kingsway, Engineering intends to retain the pedestrian-activated light at this location to allow safe crossing of Kingsway for pedestrians and cyclists travelling north-south.

The proposal is exceeding the requirements of the Vancouver Parking by-law for both the residential and commercial uses. The proposed parking along with the proposed change in traffic pattern are expected to limit any potential parking impacts on the neighbourhood to the north. The impact of additional parking and loading is anticipated to be limited as access is consolidated at a new full traffic signal on Kingsway which aligns with the current access to Mount St. Joseph Hospital. In addition, the applicant is proposing to voluntarily provide four public car share spaces.

Building height, density and neighbourhood context: As part of the MIRHP Program, staff ran a specialized “pre-enquiry” intake process that allowed proposals to be evaluated at a preliminary stage, vetted for eligibility under the MIRHP Program and other City policies, and ranked based on a number of performance criteria established on the basis of key policy objectives. These objectives included testing the possibility of delivering a diversity of rental projects that permanently secure moderate income units across the City in a range of zoning districts, building scales and locations.

Criteria used to evaluate the projects included:

- Compliance with MIRHP Program;
- Affordability (e.g. proposed rents and number of units secured as moderate income rental);
- Total number of new rental units created;
- Impact on existing renters and rental housing units;
- Unit mix (e.g. number of bedrooms);
- Proximity to transit and amenities; and
- Building form and neighbourhood fit.

This proposal was selected for inclusion in the MIRHP Program based on the strength of its performance under the criteria above. In particular, the rezoning application at this site, proposes to deliver a significant number of new moderate income and market rental units in a location that is well served by transit, amenities, open space and services while not displacing any existing on-site renters. Staff felt that the site could, on balance, handle the height and density proposed given the width of the Kingsway right-of-way and the large adjacent open space (Robson Park). Furthermore, the scale of the building steps down to three storeys along St. George Street to be compatible with existing and future development to the north, while also reducing the overall shadow impact on Robson Park as compared to the 2016 Rental 100 application. The proposal will be further refined to reflect the specific context and to further activate the ground level frontage along Kingsway through design development.

Impact to surrounding private views: Staff recognize the potential impact of development on views within the City of Vancouver and has applicable policy to protect public views. The site is not located within a view cone area that seeks to protect view corridors for the public. Staff further note that the podium as proposed is approximately 16 ft. lower than the approved height for the 2016 Rental 100 project. Therefore, in some instances the impact on private views to the north may actually be lesser than the previously approved massing.

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 apply to new construction and help pay for facilities made necessary by growth including parks, childcare facilities, replacement housing (social/non-profit) and engineering infrastructure.

This site is subject to City-wide DCLs and City-wide Utilities DCLs on the proposed 17,938.1 sq. m (193,084 sq. ft.) of residential floor area, as well as the 13,306.6 sq. m (143,231 sq. ft.) of commercial floor area.

In accordance with the provisions of Section 3.1A and Section 3.1B of the *Vancouver Development Cost Levy By-law (DCL By-law)*, the applicant has requested a waiver of both the DCLs and Utilities DCLs attributed to the residential floor area secured as for-profit affordable rental housing. As described previously in this report, MIRHP Program projects for which applications are submitted before September 30, 2020 will remain eligible for a Utilities DCL waiver, provided that a building permit is issued within 12 months of the effective date of the Utilities DCL By-law change.

Based on the September 30, 2019 rates, the value of the waiver of both DCLs and the Utilities DCLs is approximately \$4,969,985 and it is anticipated that the commercial component of the project will generate approximately \$2,956,290 in DCLs. 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.

The DCL By-law requires that where rents are determined under section 3.1A(d), they are to apply at initial occupancy. A final rent roll that sets out the initial monthly rents for the moderate income rental units will be required prior to issuance of the occupancy permit in order to ensure compliance with the DCL By-law. After an occupancy permit has been issued, rents for the moderate income rental units will not be permitted to increase on an annual basis further than the RTA limits, even on a change in tenancy, as per the MIRHP Program. The City will ensure that average unit sizes do not exceed the maximum thresholds set out by the DCL By-law through the Development Permit application process.

Public Art Program –The Public Art Policy for Rezoned Developments requires rezonings having a floor of 9,290 sq. m (100,000 sq. ft.) or greater to contribute public art or provide 80 per cent cash in lieu as a condition of rezoning.

Based on the current rate in effect a public art budget of approximately \$665,904 would be anticipated from this development. The Public Art rate is subject to periodic adjustments to address inflation and is finalized at the development permit stage.

Developers may fulfil the public art commitment in one of two ways:

- *Option A* – Artwork is commissioned by the developer. An experienced public art consultant must be engaged to coordinate the public art process. Consultants are responsible for the preparation of art plans and the coordination of artist selection and

artwork fabrication, installation, and documentation. The Public Art Committee reviews and approves the Public Art Plan, which must be completed prior to issuance of the Development Permit.

- *Option B* – For developers not wanting to commission artwork, 80 per cent of the required art budget is paid to the City as a contribution to the Signature Projects Fund. These contributions are pooled with contributions from the City, philanthropists, and other agencies to commission artworks of major significance at key city sites.

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 of City services.

The *Community Amenity Contributions – Through Rezonings* policy requires lower-density secured market rental applications within the C-2 zones proposing more than six storeys, to be subject to a CAC evaluation. Real Estate Services have assessed the application and costs of securing 20 per cent of the residential floor area for moderate income rental units and determined no additional CAC is expected.

Rental Housing – The applicant has proposed that all of the residential units be secured as rental housing (non-stratified) for the longer of 60 years and the life of the building. No less than 20 per cent of the residential floor area will be secured as moderate income units, while the remainder will be market rate units. The public benefit accruing from this application is the contribution to the City's secured rental housing stock serving a range of income brackets.

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

Financial Implications

The site is subject to both City-wide DCL and City-wide Utilities DCLs. However, projects providing 100 per cent of dwelling units that meet the definition of for-profit affordable rental housing are eligible for the waiver of both the DCLs and the Utilities DCLs for the residential portion of the project, provided that the building permit is issued before September 30, 2021, as described previously in this report. Based on rates in effect as at September 30, 2019, the residential portion of the proposed project is expected to qualify for a waiver of the DCLs and the Utilities DCLs with an estimated value of \$4,969,985. It is anticipated that the commercial component of the project will generate approximately \$2,956,290 in DCLs and Utilities DCLs.

The applicant will also be required to provide new public art on site, or make a cash contribution to the City for off-site public art, at an estimated value of \$665,904.

The 215 units of secured market and moderate income rental housing, secured by a Housing Agreement and Section 219 Covenant for the longer of the life of the building of 60 years, will be privately owned and operated.

No additional CAC contribution is applicable.

CONCLUSION

Staff have reviewed the application to rezone 445 Kingsway and 2935 St. George Street from C-2 to CD-1 to permit development of 215 secured rental housing units of which 20 per cent of the residential floor area will be moderate income units, consistent with the objectives of the *Moderate Income Rental Housing Pilot Program*. The application qualifies for incentives under the MIRHP Program, including additional height and density, parking reduction and a waiver of both the DCLs and the Utilities DCLs for the residential portion of the project, provided that the building permit is issued before September 30, 2021. It is concluded that the proposed form of development represents an appropriate urban design response to the site and context, given the objectives of the MIRHP Program. If approved, this application would contribute to 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.

* * * * *

**445 Kingsway and 2935 St. George Street
DRAFT BY-LAW PROVISIONS**

Note: A By-law to rezone an area to CD-1 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 of 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 ().

Definitions

3. Words in this By-law have the meaning given to them in the Zoning and Development By-law, except that:
 - (a) for the purposes of calculating the total dwelling unit area for section 5.1 of this By-law, "Dwelling Unit Area" is the floor area of each dwelling unit, measured to the inside of all perimeter walls excluding any floor area as required by section 6.4 of this By-law; and
 - (b) "Moderate Income Rental Housing Units" means dwelling units that meet the requirements of approved Council policies and guidelines for Moderate Income Rental Housing, as secured by a housing agreement registered on title to the property.

Uses

4. 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) 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;

- (c) Institutional Uses, limited to Child Day Care Facility and Social Service Centre
- (d) Office Uses;
- (e) 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, Secondhand Store, and Small-scale Pharmacy;
- (f) 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;
- (g) Storage Warehouse;
- (h) Utility and Communication Uses, limited to Public Utility and Radio Communication Station; and
- (i) Accessory Uses customarily ancillary to the uses permitted in this Section.

Conditions of Use

- 5.1 A minimum of 20% of the total dwelling unit area must be Moderate Income Rental Housing Units.
- 5.2 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".
- 5.3 There shall be no dwelling units above the 14th storey.
- 5.4 Non-residential uses are restricted to the ground floor, level 2 and below grade.
- 5.5 Storage Warehouse use is limited to below grade only, except for vehicle ramp access from grade. The washing of any vehicles stored under this use is considered an acceptable Accessory Use.
- 5.6 No portion of the first storey within a depth of 10.7 m of the front wall of the building facing Kingsway and extending across its full width, shall be used for residential

purposes except for entrances to the residential portion and the underground access ramp.

5.7 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.

Floor Area and Density

6.1 Computation of floor space ratio must assume that the site consists of 4330 m², being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

6.2 The floor space ratio for all uses combined, except for Storage Warehouse, must not exceed 4.78.

6.3 The floor space ratio for Storage Warehouse use, including an acceptable accessory use under section 5.5 shall not exceed 2.44.

6.4 Computation of floor area must include all floors having a minimum ceiling height of 1.2m, including earthen floors, both above and below base surface, measured to the extreme outer limits of the building.

6.5 Computation of floor area and dwelling unit 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 residential floor area; and
 - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens only 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 residential floor area or 929 m², whichever is lesser; and
 - (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 6.6 The use of floor area excluded under section 6.5 must not include any use other than that which justified the exclusion.
- 6.7 Where floor area associated with storage space is excluded under section 6.5 (e), a minimum of 20% of the excluded floor area above base surface must be located within the Moderate Income Rental Housing Units as residential storage.

Building Height

- 7.1 Building height, measured from base surface to top of parapet, must not exceed 47.65 m.
- 7.2 Despite the provisions of section 7.1 and of section 10.18 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms located at least 3 m from the roof perimeter, mechanical screens, or similar features, and a vestibule accessing a green roof, if the Director of Planning first considers:
- (a) siting and sizing in relation to views, overlook, shadowing, and noise impacts; and
 - (b) all applicable policies and guidelines adopted by Council,
- except that the Director of Planning must not permit any structure above a maximum height of 52.8 m.

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least one window on an exterior wall of a building.
- 8.2 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.
- 8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.
- 8.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council, and:

- (a) The minimum distance of unobstructed view is not less than 3.7 m; or
- (b) The habitable room is within a unit assigned to moderate income households and containing a minimum of three bedrooms, where the horizontal angle of daylight requirement is relaxed for no greater than one of the habitable rooms in the unit.

8.5 An obstruction referred to in section 8.2 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 ().

8.6 A habitable room referred to in section 8.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit; or
 - (ii) 9.3 m².

Acoustics

9. 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

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

* * * * *

445 Kingsway and 2935 St. George Street
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 include in the hearing agenda package. Any changes to the conditions by staff prior to the hearing will be noted in the Summary and Recommendations. Any further changes to the conditions approved by Council will be contained in its decision. Please consult the hearing minutes.

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 Acton Ostry Architects Inc., received July 23, 2019, 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 limit extents of solar access impact on Robson Park to those presented in the solar access study submitted to the City on December 19, 2019, except for potential minor increases to overall height only to address these Conditions of Approval.
2. Design development to ensure that sufficient indoor and outdoor amenity spaces are provided to support on-site activity needs of both children and adults through the following recommendations:
 - i. Providing an additional amenity room on the level 6 contiguous with the proposed roof deck outdoor amenity space; and

Note to applicant: The *High-Density Housing for Families with Children Guidelines* state that the indoor amenity space should be large enough to accommodate 40% of the estimated adult population and other activities of children and teenage. An approximately 2,000 sq. ft. overall indoor amenity space is considered reasonable for the project with over 200 dwelling units. Indoor amenity space may be located in more than one place and may include space for a hobby room, a workshop, or small children play area when units are too small for such activities. This condition may result in minor changes of the floor area and the unit count and mix. 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 the family units do not go lower than 35%.

- ii. Improving the quality of on-site children's play area.

Note to applicant: The *High-Density Housing for Families with Children Guidelines* require a total outdoor play area in the range of 130 m² to 280 m². This can be

achieved in one or more locations on-site. Outdoor play areas should be situated to maximize sunlight access. There should be a minimum of two hours of sunlight between the hours of 10:00 a.m. and 5:00 p.m. on December 21. Consider providing an additional children's play area within the level 6 outdoor amenity area, which has significant solar exposure throughout the day and year, and also including a direct visual connection to an indoor amenity room as recommended above.

3. Design development to further support commercial activities in this established shopping area and strengthen the pedestrian-oriented commercial frontage through the following strategies:

- i. Increasing the viability of the proposed large and deep commercial unit;

Note to applicant: the proposed CRU #4 includes a majority of the commercial space with a low floor-to-floor height (11 ft), which is unlikely viable for most commercial uses. Strategies to improve the viability of the commercial unit may include reducing the low-ceiling portion to no more than 30% of the area of the unit, or increasing floor-to-floor height to 14 ft minimum. Other innovative solutions are encouraged to be explored at the DP stage. A business rationale may be required for review at the DP stage to confirm the feasibility of the large commercial unit.

- ii. Maximizing active uses at the ground plane, as follows:

- a) Minimizing the frontage for residential and parking entry as much as possible along Kingsway;

Note to applicant: this may be achieved by relocating the gas meter room, storage service, rental office to the back, to allow for more retail, restaurant and personal service use frontage. The design revision should also take into account the sight visibility at the parking entrance to enhance pedestrian safety.

- b) Exploring opportunities to wrap commercial uses around onto St. George Street to a greater extent to create a more attractive and usable public space;

- iii. Demonstrating the possibility of smaller commercial units with frequent at-grade entries;

Note to Applicant: the intent is to create a vibrant retail area with local-serving, small scale retail services.

- iv. Creating a fine-grained commercial frontage expression with transparent glazing, high quality materials, and more intensive detailing to emphasize visual interest, variety, human scale and comfort.; and
- v. Providing generous and continuous weather protection to the full width of commercial frontage.

Note to Applicant: The weather protection is recommended to be in a canopy format. The canopy design should be integrated into the overall building and relate to the pedestrian scale. A comfortable depth-to-height ratio of the canopy is approximately 1:1.5 and 10-12 ft. above sidewalk level.

4. Design development to create a rich and varied public realm along both Kingsway and St. George Street with placemaking opportunities that foster social interaction accessible to everyone. Recommended strategies may include:

- i. Creating a corner plaza at southeast building corner;

Note to applicant: This acute-angled corner is a pinch point between Kingsway and the anticipated closed St. George St and Robson Park. An inviting and pleasant public open space at this location would be a positive response to the foreseeable increase in community activities in this area. The plaza is intended for public use and wayfinding to the park and new St. George open space. It should be designed to maximize visual and physical openness and be fully accessible while negotiating the sloping grades.

- ii. Exploring opportunities to provide varied pedestrian amenities to the public realm;

Note to applicant: The public amenity should be a positive addition to the street, and may include benches, patios, shopping courts, and/or enhanced waiting areas adjacent to bus stop.

- iii. Relocating venting to minimize conflicts with the pedestrian walking experience; and

- iv. Improving the safety of the pedestrian realm at the parking entrance.

5. Design development to mitigate privacy, noise, and visual impacts to north neighbours through the following recommended measures:

- i. Reducing overlook and noise impact from common outdoor amenity spaces;

Note to applicant: This may be achieved by enhancing the landscape buffer along the outer edges of north-facing roof decks and locating activity areas, such as the children's play area further away from neighbouring properties (see Landscape conditions);

- ii. Reducing overlook and noise impact from the north facing private patio on level 3; and

Note to Applicant: This may be achieved by providing planters along the outer edges of the patio and incorporating landscape between the private patios to break up the continuous mass and soften the north façade which will likely remain exposed for the foreseeable future.

- iii. Improving the visual interface along north property lines.

- Note to Applicant:** This may be achieved by providing substantial landscape including trees in the setback zone, eliminating excessive massing above the parkade access ramp, and adding visual relief to the solid wall panels.
6. Design development to the tower expression to contribute to a more compatible and appealing streetscape. Recommended strategies include:
- i. Reducing the perceived massing of the east tower which is highly visible from Robson Park and when travelling westbound on Kingsway;
 - ii. Strengthening the break and rhythm of the massing along the long street frontage; and

- Note to the Applicant:** This may be achieved by further differentiating the expression of towers and the podium and incorporating variations to the long band above the commercial.
- iii. Design development to enliven the facades to increase public interest.
7. Design development to ensure a high standard of livability for all dwelling units by providing the following:

- i. Adequate daylight, ventilation, and external views for all habitable rooms;
- Note to Applicant:** No inboard bedrooms are proposed in this application, and should remain as such in the Development Permit application.
- ii. Appropriate room size to accommodate the needs of resident living activities;
- Note to Applicant:** The proposed unit sizes are generally supported. There are a few one-bedroom units that appear small in size. Detailed unit plans and furniture layouts are to be included as part of a Development Permit application for staff's further evaluation of livability. Any changes in the recommended unit count and unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board.
- iii. Usable private open space for all residential units.

- Note to Applicant:** This can be achieved by providing balconies measuring 1.8 m (6 ft.) deep with a minimum area of 4.8 sq. m (54 sq. ft.). Reductions to the balcony size may be considered for one-bedroom and studio units by demonstrating the ability to accommodate elements such as a table and seating for two and offering generous common amenity spaces on-site. Refer to the *High Density Housing Guidelines for Families with Children* for more information.
- iv. Adequate storage space for each dwelling unit in form of bulk storage or in-suite storage.

Note to Applicant: While the storage spaces may be eligible for exclusion of floor area, any changes of above-grade storage at Development Permit application should not affect the building massing.

- v. Inviting and comfortable residential main entrances;

Note to the Applicant: the residential entrance should be differentiated from the entries of commercial units through setbacks and design details to emphasize the presence of the entrance and the sequence of resident arrival experience

- 8. Submission of a bird-friendly strategy for the design of the building in the application for a development permit.

Note to Applicant: Refer to the Bird-Friendly Design Guidelines for examples of built features that may be applicable. For more information, see the guidelines at: <http://guidelines.vancouver.ca/B021.pdf>.

Crime Prevention through Environmental Design (CPTED)

- 9. Identify on the drawings strategies that consider the principles of CPTED including the following conditions:

- a) Limiting opportunities for nuisance activities, mischief in alcoves, and blind corners;
- b) Limiting unobserved access or activity and encouraging natural visual surveillance;
- c) Mail theft;
- d) Site lighting developed with considerations for safety and security; and
- e) Reduced opportunities for graffiti;

Note to Applicant: Alcoves and other similar visually hidden areas should be designed so as to not be covered or have limited cover and be well lit. Opportunities for graffiti can be mitigated by reducing areas of exposed wall and by covering with vines, hedges or a rough finish material.

- 10. Design development to improve visibility and security in the underground parking in accordance with the Parking By-law including:
 - a) Overhead lighting and step lights at exit stairs and doors;
 - b) 24 hour lights and walls painted white; and
 - c) Visibility at doors, lobbies, stairs and other access routes.

Landscape

11. Design development to confirm safe tree protection of four neighbour trees at the northwest corner numbered #'s OS11-14 by ensuring the provision of proper tree protection barriers, or as recommended by a revised arborist report to confirm methods of protection.

Note to Applicant: This may require revision to the building footprint and/or parkade, confirming that excavation does not encroach into the Critical Root Zones. This should include coordination of arborist report Tree Management Plan with Landscape Plan and parkade plan, complete with dimensions for tree protection. A revised arborist report is required.

12. Design development to improve and activate the Kingsway public realm interface at street level, to achieve an interesting, lively, well-used and well-detailed streetscape expression.
13. Design development to relocate the children's play area to a sunnier part of the Level 3 outdoor Amenity, while ensuring there is a contiguous visual connection with the indoor Amenity room.
14. Design development to improve and articulate the corner of Kingsway and St George Street public realm interface at street level, to provide a memorable and identifiable pedestrian experience.
15. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.
16. Design development to the landscape treatment to increase the volume of soil, tree canopy cover and planting on slab, by lowering the slab for planting on the main level to the greatest extent possible, rather than planting in raised planters.

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 CSLA Landscape Standard. 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.

17. Design development to improve the sustainability strategy, through the following:
 - i. Explore providing intensive and extensive green roofs on all available flat rooftops, to be commonly accessible and usable and to provide open spaces with improved solar orientation;
 - ii. Add substantially more landscape around all entry areas, to accent and soften them;
 - iii. Add vines to any blank wall facades, ensuring the vine support is sturdy and low maintenance (avoid high maintenance modular "green wall" systems);

- iv. Add planters with overarching shrubs to common upper level decks, to be visually accessible from below, softening the edges and consisting of woody evergreen plant material for year-round presence; and
 - v. Add edible plants, which can be used as ornamentals as part of the landscape design, in addition to urban agriculture plots.
18. Design development to the Integrated Rainwater Management Strategy to explore opportunities for on-site rain water infiltration and soil absorption, as follows:
- Maximize natural landscape best management practises.
 - Minimize the necessity for hidden mechanical water storage.
 - Increase the amount of planting on the roof level, where possible.
 - Consider linear infiltration bio-swales along property lines, at lower site areas.
 - Use permeable paving.
 - Employ treatment chain systems (gravity fed, wherever possible).
 - Use grading methods to direct water to soil and storage areas.
- Note to Applicant:** Refer to the City of Vancouver Integrated Rainwater Management Plan (IRMP), 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.
19. Provision of plans, plan details and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:
- detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets.
 - a separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones.
 - 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.
20. Provision of a full-size, to scale and dimensioned Tree Management Plan, coordinated with survey and arborist report.
21. Provision of coordination between Landscape Plan and architectural Site Plan, for most updated information.
22. Provision of complete information, such as references on the Roof Deck Plan, confirming all landscape elements.
23. 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.

24. 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.

25. 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.

26. 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.

27. 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 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*".

28. 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.

29. Provision of enlarged detailed elevations for all vertical landscape structures and features (i.e. green walls, trellis).
30. Provision of an outdoor Lighting Plan.

Sustainability

31. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended May 2, 2018), 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

32. Parking, loading, bicycle, and passenger loading spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-Law.
33. 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.
34. 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.

Note to Applicant: 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.

35. Submission of a letter confirmation construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial Approval or License.

Note to Applicant: Applications for provincial Approvals or Licenses can be completed online. The application will be received and accepted into the province's online system, and the provincial authorizations team strives for 140 days to get the approval to the applicant. The approval holder must be able to produce their approval on-site so that it

may be shown to a government official upon request. Dewatering before this approval is granted is not in compliance with the provincial Water Sustainability Act.

- 36. 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.
- 37. Provision of an updated landscape and 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, make note of the improvement on the site and/or landscape plans. The landscape plan is to include the following note:

“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.”

- 38. Remove pavers from the SRW area along Kingsway.
- 39. Remove any proposed street trees from areas along Kingsway where the width of the front boulevard is less than 1.2m.

Note to Applicant: Should Tree #CITY27 on St. George St be removed, then remove the chicane along the proposed sidewalk and install front boulevard street tree(s).

- 40. Confirmation from Parks Board for the removal of street tree #CITY35 is required.
- 41. Gates/doors are not to swing more than 1'-0" within the SRW area.

Note to Applicant: Sheet A011 shows the entry to the maintenance access corridor and the entry to gas meter room with door swings encroaching into the SRW area.

- 42. Clarify garbage pick-up operations. Written confirmation that a waste hauler can access and pick up from the location shown is required. Pick up operations should not require the use of public property for storage, pick up or return of bins to the storage location.
- 43. Submission of a crossing application is required.

Note to Applicant: Submit a crossing application and 2 copies of the site plan directly to Engineering Services for review.

- 44. Provision of generous and continuous weather protection on the Kingsway frontage.
- 45. Provision of a canopy application for all new canopies that encroach onto City property is required.

Note to Applicant: Canopies must be fully demountable and drained to the buildings internal drainage systems. Please submit a copy of the site and elevation drawings of the proposed canopy for review.

46. Design development to provide simultaneous two-way flow between two SU-9 trucks at the ramp access and for the full length of the parking ramp.

Note to Applicant: The only access is from Kingsway. Engineering does not support vehicles and trucks queuing on Kingsway while waiting to access the parking ramp. A truck signal system for access of Kingsway for SU-9 trucks is not supported.

47. Provision of a finalized Transportation Assessment and Management Study (TAMS), to the satisfaction of the General Manager of Engineering Services, including the following updates:

- (a) Commentary on changes to the development plan as part of the development permit application, as well as any required analysis.
- (b) Review of the parking and loading design considering vehicle and truck turning movements and show vehicle turning swaths to demonstrate:
 - Maneuvering for two simultaneous SU-9 trucks the full length of the ramp/driveway access.
 - Solid waste maneuvering for the Commercial Recycling Room.
 - Show independent maneuvering into the Class B loading spaces.

48. Design development to improve access and design of bicycle parking and comply with the Bicycle Parking Design Supplement:

- (a) Provision of automatic door openers on the doors providing access to the bicycle storage rooms.
- (b) Provision of alcoves for the bike rooms with access off the maneuvering aisles.
- (c) Provision of the required access for the Class B bicycle parking.

49. Design development to improve access and design of loading spaces and comply with the Parking and Loading Design Supplement:

- (a) Design development to eliminate excessive maneuvering of the Class B loading that is in conflict with vehicle and bicycle access.

Note to Applicant: Consider consolidating the Class B loading into a “load court” that is independent of the parkade circulation and the bicycle access as one potential solution.

- (b) Design development to provide Class B loading that is independent of other uses. Waste collection to remain accessible for recycling pickup.

Note to Applicant: There is Class B loading shown in front of the residential waste compactor that cannot be counted towards the required Class B loading. All Class B loading spaces are to be independently accessible. As a result, only 3 Class B loading spaces is being provided on-site. If the Applicant seeks 2 Class B for refuse then a Shared Loading Agreement will be required to allow shared

use of one of the required Commercial Class B loading bays for shared use with Residential.

- (c) Provision of 4m width for the first Class A passenger space.

Note to Applicant: Subsequent Class A passenger spaces to measure 2.9m width.

- (d) Provision of standard load throats to facilitate loading maneuvering.
- (e) Provision of additional loading bay width for the second and subsequent loading spaces.

50. Design development to improve the parkade layout and access design and comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including provision of improved two way flow for vehicles on the ramp and in the parking areas:

- (a) Improve two-way traffic flow at the bottom of the main ramp through provision of a corner cut.
- (b) Provide minimum 6.6m (21'-8") maneuvering aisle widths. Refer to north section of Level P5 parking spaces adjacent to the Storage/Service Room with elevator.
- (c) Improve visibility for two-way vehicle movement at the bottom of the main parking ramp and at the top and bottom of the circulation ramps on all parking levels. Parabolic mirrors are recommended.
- (d) Provision of secure residential parking as per By-Law.

Note to Applicant: Commercial parking and visitor parking to be located in front of the O/H residential security gate. Circulation of non-residential vehicles is not permitted in the secure residential parking area.

51. Provision of the following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review:

- (a) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
- (b) Provision of an additional partial section drawing through the parking space that shows overhead exhaust system on Level P3. Refer to south wall of parkade, east of elevator core.

Note to Applicant: Vertical clearance of overhead projections into vehicle parking spaces must not be less than 1.2m (4') and projection into the space must not be more than 1.2m (4').

- (c) All types of parking and loading spaces individually numbered, dimensioned, and labelled on the drawings.

- (d) Dimension of column encroachments into parking stalls.
- (e) Dimensions for typical parking spaces.
- (f) Dimensions of additional setbacks for parking spaces due to columns and walls.
- (g) Dimensions of manoeuver aisles and the drive aisles at the parkade entrance and all gates.
- (h) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates. These clearances must consider mechanical projections and built obstructions.
- (i) Areas of minimum vertical clearances labelled on parking levels.
- (j) 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.
- (k) Indicate the stair-free access route from the Class A bicycle spaces to reach the outside.
- (l) Existing street furniture including bus stops, benches etc. to be shown on plans.
- (m) The location of all poles and guy wires to be shown on the site plan.

Note to Applicant: Applicant should provide gridlines, section lines, and parking stalls for ease of review.

- 52. Provision of a final Rainwater Management Plan (RWMP), which includes a written report, supporting calculations, computer models and drawings to the satisfaction of Engineering Services prior to BP Stage 2 issuance.
- 53. Provision of a draft final RWMP prior to DP issuance. As it is acknowledged that not all design components are advanced fully at this stage, placeholders will be accepted in this resubmission with the expectation the final report will include all relevant details.

Green Infrastructure

Staff notes that a Rainwater Management Plan (RWMP) has been submitted but are seeking a more detailed response toward the Citywide Integrated Rainwater Management Plan (IRMP) requirements outlined in the 'Green Buildings Policy for Rezoning' and detailed fully in the ['Rainwater Management Bulletin'](#). Please work to address the following to ensure that a final RWMP can be accepted prior to DP issuance.

- 54. 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.

- (a) Explore additional avenues for retention of the 24 mm of rainwater as the amount currently captured in Absorbent Landscaping is negligible. Provide justification for not exploring the installation of a green roof, as Architectural plans indicate a flat area available on the tower roof.
 - (b) Consider grading impervious areas into landscaping or direct balconies/roofs into landscaping with increased storage available and an underdrain for safe conveyance.
 - (c) Provide a site map detailing the different surface types and how rainwater will be directed or retained in each area. Include the following:
 - (i) Buildings, patios and walkway locations
 - (ii) Underground parking extents
 - (iii) Location of any proposed detention tank, water quality treatment and flow control system with connections to the sewer system
 - (iv) All routing of rainwater throughout the site
 - (v) Area and depth of landscaping to support the claim of absorbent landscaping as a rainwater capture method
 - (d) Provide a servicing plan which includes all routing of rainwater into the proposed systems and out to the municipal system.
55. The rainwater management system for the building(s) and site shall be designed such that the peak flow rate discharged to the sewer under post-development conditions is not greater than the peak pre-development 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.
- (a) For this calculation, the 10 year, 5 minute time of concentration should be used. The time of concentration used within the calculations provided was unclear.
 - (b) If every effort has been made to capture the 24 mm of rainfall falling on-site and the storage required to control to the pre-development peak flow rate is small, a detention tank may not be required. Instead individual flow control devices on patios and rooftop levels may be enough to control the flow from the site to pre-development levels. Calculations would be required to support this proposition.
56. As per the Water quality requirements, the volume of water (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.

- (a) Staff note, that 'Catch Basins & Oil Water Separators' are cited to meet this requirement. Clarify what will be used and for proprietary treatment devices.
 - (i) Provide product information for all treatment practices.
 - (ii) Products need to meet either the Washington State Department of Ecology's Technology Assessment Protocol (TAPE) or ISO 14034 ETV certification. The applicant may propose other technologies but must provide supporting information that shows the technology meets the standard.
- 57. Provide detailed drawings of all proposed rainwater management systems including but not limited to, dimensions, inverts, stage-storage-discharge characteristics, design criteria and all assumptions.
- 58. Prior to Development Permit issuance, an Operation & Maintenance (O&M) Manual for all rainwater systems (i.e. green infrastructure), must be submitted to the satisfaction of the Integrated Water Management Branch and will included as a schedule in the covenant detailed below. The O&M Manual shall be tailored specifically for the GI practices proposed on-site and submitted as a standalone document. The applicant is welcome to contact IWM Branch to discuss specific details. The O&M Manual shall include, but not be limited to the following components:
 - (a) Phasing Considerations (i.e. early stage requirements immediately following construction, and on-going requirements once the site is established
 - (b) A table or schedule that describes the level of effort and frequency of tasks required to maintain optimal performance for each individual component of the system
 - (c) Fact sheets (or similar reference material), for proposed plantings
 - (d) Contact information for any proprietary systems to be located on-site (for example oil/grit separators).
 - (e) Checklists to assist non-technical persons in assessing operation and maintenance performance and requirements
- 59. 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. The Engineer of Record will be required to inspect the RWM system as necessary during and after construction in order to 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.

Note to Applicant: Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by InterCAD Services Ltd dated February 20, 2019, no water main upgrades are required to service the development. Should the development's Fire Underwriter's Survey Required Fire Flow calculation change as the

building design progresses, a resubmission to the City of Vancouver Waterworks Engineer is required for re-evaluation of the Water System.”

Housing

60. The unit mix to be included in the Development Permit drawings, including studio units, one-bedroom units, two-bedroom units, and three-bedroom units, generally complies with the unit mix guidelines in the *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives*, for both the market and below market (moderate income) units, and must include 35 per cent family units (two-bedroom and three-bedroom units).

Note to Applicant: Any changes in the unit mix from the rezoning application may only be considered under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35 per cent of the dwelling units designed to be suitable for families with children and meets the intent of the unit mix guidelines in the *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives* (<https://bylaws.vancouver.ca/zoning/policy-rezoning-mirhapp.pdf>).

61. The development is to comply with the *High-Density Housing for Families with Children Guidelines*, including the provision of:

- (a) Common outdoor amenity areas with at least one children’s play area;

Note to Applicant: Play equipment is not required for the children’s play area but a soft surface play area and creative landscape/play features (such as balancing logs and boulders, sandbox, creative motor-skills developing features etc.) which provide a myriad of creative play opportunities for a range of ages is encouraged.

- (b) seating with direct line of sight to the play area;
- (c) private open space which is a minimum of 1.8 m deep by 2.7 m wide;
- (d) a minimum of 2.3 sq. m. (24.7 sq. ft.) of bulk storage for each dwelling unit; and
- (e) wheelchair accessible washroom and kitchenette within the multi-purpose indoor amenity space.
62. Prior to issuance of a development permit, applicant to display a sign on the site, throughout construction, that acknowledges that secured market and moderate income 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

1. Consolidation of Lot 1 and Lot 2 Except Part in Explanatory Plan 6822, Both of Lot A, Plan 7272; and Lot L, Plan 21842; All of Block 132, DL 264A to create a single parcel.
2. Release of Easement 94188M and Easement & Indemnity Agreements 95614M and 129302M (all for commercial crossings), and associated extension agreements GB77378 and GB77379 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 for zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

3. Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site, adjacent to Kingsway, to achieve a 5.5m offset distance from the back of the existing curb for widened sidewalks. The SRW will be free of any encumbrance such as vents, structure, stairs, planter walls, benches, bicycle parking, and plantings at grade and is to accommodate the underground parking structure within the SRW agreement.

Note to Applicant: A survey plan prepared by a British Columbia Land Surveyor showing the existing dimension from the back of the City curb to the existing property line to determine the final setback and SRW width is required.

4. Provision of a Section 219 Covenant that restricts the issuance of a Building Permit – Stage 2 until such time as the developer delivers a final Rainwater Management Plan (RWMP) acceptable to the City and has entered into an agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services providing for the construction or modification of a rainwater management system and attached the RWMP.

Note to Applicant: The applicant is requested to schedule a meeting with Integrated Water Management Branch prior to moving forward with the RWMP and resubmission with the DP application. To schedule the meeting, contact rainwater@vancouver.ca.

5. 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 is provided.
 - (a) Based on the confirmed Fire Underwriter’s Survey (FUS) Required Fire Flows submitted CREUS Engineering Ltd. on July 12th, 2019, no water main upgrades are required to service the development.

Note to Applicant: The proposed development can be serviced by the 200 mm main along St. George St, or by the 200 mm main along Kingsway. Should the development require services larger than 200 mm, the developer shall upsize the existing main on either St. George St or Kingsway to 300 mm. The developer is responsible for 100% of the cost of the upgrading. Should the development's Fire Underwriter's Survey Required Fire Flow calculation change as the building design progresses, a resubmission to the City of Vancouver Waterworks Engineer is required for re-evaluation of the Water System.

- (b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. Implementation of development(s) at 445 Kingsway & 2935 St. George St requires the following in order to maintain acceptable sanitary sewer flow conditions:
 - (i) 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;
 - (ii) Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. All submittals including upgrade design drawings (90% design stage or better) are required to be reviewed and accepted by the City Engineer prior to development permit issuance; and
 - (iii) Development to be serviced to the existing 200 mm sanitary and 250 mm storm sewers in 2935 St. George St.
- (c) Provision for the construction of, or full funding for, green infrastructure rainwater management of runoff from adjacent right-of-ways, St. George St and Kingsway, to the satisfaction of the General Manager of Engineering Services including the following:
 - (i) On St. George St from Kingsway to E 13th Ave., as part of the St. George Rainway, a bioretention feature to treat and retain 90% of average annual rainfall or a 48 mm – 24 hr event from the right-of-way to the greatest extent practical;
 - (ii) On Kingsway, a stormwater tree trench to treat and retain 90% of average annual rainfall or a 48 mm – 24 hr event from the right-of-way frontage to the crown of the road to the greatest extent practical. The stormwater tree trench must also be designed to provide the minimum soil volume storage for street trees as per the Engineering Design Manual.

Note to Applicant: The City will provide the green infrastructure location and high level sizing in the geometric design for these street improvements. For further information, contact Robb Lukes, robb.lukes@vancouver.ca.

- (d) Street improvements along Kingsway adjacent to the site and appropriate transitions including the following:

- (i) Front boulevard with street trees where space permits;
 - (ii) Minimum 3.05m (10') wide light broom finish saw-cut concrete sidewalk; and
 - (iii) Removal of the existing driveway crossings and reconstruction of the boulevard, sidewalk, and curb to current standards.
- (e) Provision for the construction of, or full funding for, changes to St. George St adjacent to the site for the implementation of a section of the St. George Rainway to the satisfaction of the General Manager of Engineering Services including the following:
 - (i) Concrete curb and gutter including any road reconstruction required for the full or partial closure of St. George St at Kingsway and E 13th Avenue;
 - (ii) Removal of the existing traffic circle at E 13th Avenue;
 - (iii) Removal of the existing driveway crossings and reconstruction of the boulevard and sidewalk to current standards;
 - (iv) Relocation of the existing fire hydrant at the corner of Kingsway;
 - (v) Bike lanes;
 - (vi) Broom finish saw-cut concrete sidewalks;
 - (vii) Curb ramps at the intersection of Kingsway and St. George St.

Note to Applicant: Adjustment to all existing infrastructure to accommodate the proposed street improvements. The City will provide a geometric design for these street improvements.

- (f) Provision of the removal and re-installation of the existing bus stop amenities and associated features (bus shelter, advertising panel, bench, litter can, etc.) adjacent to the site on Kingsway to a location determined by Engineering Services.
- (g) Provision of installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.
- (h) Provision of the relocation of all associated passenger facilities (bus shelter, bench, litter can, etc) and reinstallation at applicant's cost at a location to be determined by Engineering Services.
- (i) Provision of community gathering space (eg. plaza) with components as identified in the Mount Pleasant Public Realm Plan. These components include temporary public art and performance space (refer to page 87 in plan), Creek commemoration with opportunities to celebrate water (refer to page 93 in plan) and materials and components identified for the St. George Rainway (refer to page 80 in plan). The space should have typical enabling infrastructure to

support community gathering (eg. power, water, storage, furnishings, opportunities for weather protection, etc.).

- (j) Softscape space in street closure to be grass lawn, except in green infrastructure practice.

Note to Applicant: All public realm space within the street Right of Way including public squares and plazas shall be designed in consultation with Engineering, to the satisfaction of the General Manager of Engineering Services.

Community gathering space should integrate with building façade and Robson Park, and other transportation and green infrastructure requirements in street right-of-way.

- (k) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City of Vancouver standards and Illuminating Engineering Society of North America (IESNA) recommendations.
- (l) Provision of lighting upgrades to the entire intersection of St. George St and Kingsway to current COV standards and IESNA recommendations.
- (m) Provision of new or replacement duct banks adjacent the development site that meet current City standards.

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

- (n) Provision of new pad mounted service cabinet/kiosk.

Note to Applicant: The detailed electrical design will be required prior to the start of any associated electrical work to the satisfaction of the General Manager of Engineering Services and in conformance with Standard Specification of the City of Vancouver for Street Lighting (draft), Canadian Electrical Code (the latest edition) and the Master Municipal Construction Documents (the latest edition).

- 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: Ensure that in your consultation with BC Hydro that an area has been defined within the development footprint to accommodate such electrical plant. Confirm that this space has been allocated and agreement between both parties has been met.

Sustainability

7. For buildings containing 20 units or more, the applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

Public Art

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

Note to Applicant: Please contact Karen.Henry@vancouver.ca, Public Art Planner, 604.673.8282, to discuss your application.

Housing

9. Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into a Housing Agreement and/or Section 219 Covenant to secure all residential units as secured rental housing units, including at least 20 per cent of the residential floor area that is counted in the calculation of the dwelling unit area per the CD-1 By-law secured as moderate income units subject to the conditions set out below for such units and in accordance with the requirements set out in the Moderate Income Rental Housing Pilot Program, for the longer of 60 years or the life of the building, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require.

The agreement or agreements will include but not be limited to the following terms and conditions:

- (a) A no separate sales covenant;
- (b) A no stratification covenant;
- (c) A provision that none of such units will be rented for less than one month at a time;
- (d) All rental units will be secured as rental for a term of 60 years or the life of the building, whichever is greater;

- (e) That a rent roll be provided indicating the agreed initial monthly rents for each moderate income rental unit, when the Housing Agreement is entered into and again prior to development permit issuance.
- (f) That the average initial starting monthly rents for each moderate income rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will be at or below the following rents, not subject to adjustment, as set out in section 3.1A(d) of the Vancouver Development Cost Levy By-law and section 2a of the *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements And Available Incentives* Administration Bulletin:

Moderate Income Rental Housing Type	Maximum Average Starting Rents
Studio	\$950
1-bedroom	\$1,200
2-bedroom	\$1,600
3-bedroom	\$2,000

and that a rent roll indicating the agreed maximum average initial monthly rents for the units secured at moderate income rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design or Sustainability (or successor in function) and the Director of Legal Services;

- (g) That rent increases for the moderate income units after an occupancy permit has been issued will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy;
- (h) The applicant will verify eligibility of new tenants for the units secured at moderate income rates, based on the following:
 - (i) For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and
 - (ii) There should be at least one occupant per bedroom in the unit.
- (i) The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every five (5) years after initial occupancy:
 - (i) For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and
 - (ii) There should be at least one occupant per bedroom in the unit.
- (j) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the moderate income rental housing units

which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the moderate income units, and a summary of the results of eligibility testing for these units; and

- (k) Such other terms and conditions as the General Manager of Planning, Urban Design or Sustainability (or successor in function) and the Director of Legal Services may require in their sole discretion.

Note to Applicant: Condition to be secured by a Section 219 Covenant and a Housing Agreement to be entered into by the City by by-law enacted via section 565.2 of the Vancouver Charter prior to enactment of the rezoning by-law.

Environmental Contamination

10. 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 agreements deemed necessary to fulfill 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 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, are 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.

* * * * *

445 Kingsway and 2935 St. George Street
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:

“445 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 #] 445 Kingsway”

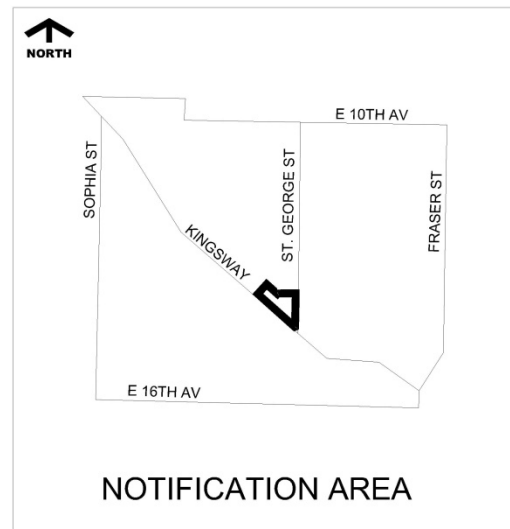
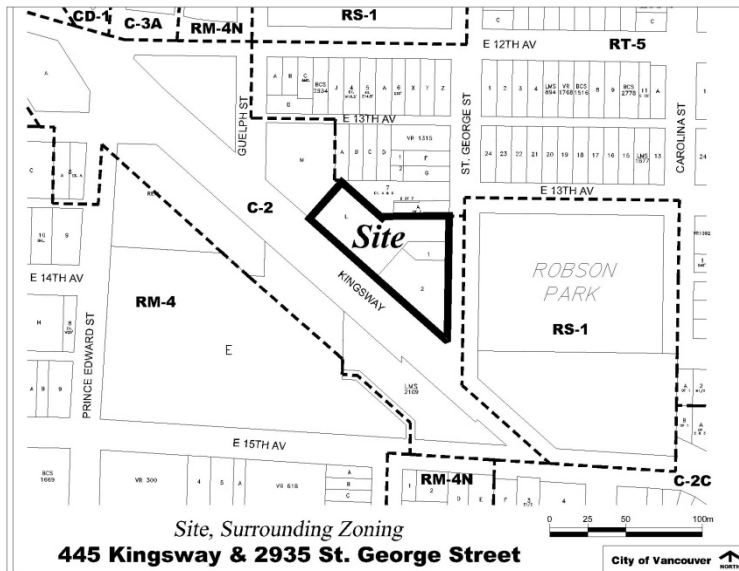
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**445 Kingsway and 2935 St. George Street
ADDITIONAL INFORMATION**

1. PUBLIC CONSULTATION SUMMARY

Public Notification

A rezoning information sign was installed on the site on August 16, 2019. Approximately 2,035 notification postcards were distributed within the neighbouring area on or about August 22, 2019. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).



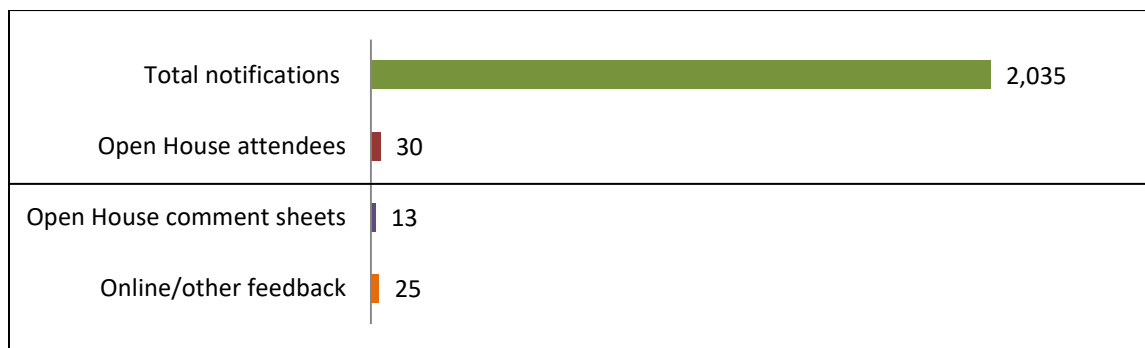
Community Open House

On September 19, 2019 a community open house was held from 5:00-8:00 pm at Glad Tidings Church, 3456 Fraser Street. Staff, the applicant team, and a total of approximately 30 people attended the Open House.

Public Response

Public responses to this proposal have been submitted to the City as follows:

- 13 comment sheets, and 25 letters, e-mails, online comment forms, and other feedback were received from the public in response to the September 19, 2019, open house.



* Note that all reported numbers above are approximate

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.

Some duplication of responses may result where respondents chose to provide feedback to a rezoning application more than once using a number of mediums (open house comment sheet, online feedback, form letter, petition, etc.).

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

Generally, comments of support fell in the following areas:

- **Affordable housing:** The project responds to the housing affordability crises in the city by providing much needed rental housing and a suitable mix of affordability.
- **Building height, massing, and density:** The scale and density would be suitable for the Kingsway Corridor, while some respondents suggested the height and density could be higher than the current proposal.
- **Neighbourhood context:** The proposed project would benefit the neighbourhood and create more vibrancy.
- **St George. Street crosswalk closure:** The closure of St. George Street is appreciated to create more access to Robson Park.
- **Community amenities:** The rooftop amenity space is well designed for residents.

- **Building design:** The overall building design is acceptable with recommendations for further improvements to create more vibrancy to the building's façade.
- **Overall support:** The proposed development received general support. Respondents would like to see more projects of similar nature.

Generally, comments of concern fell into the following areas:

- **Building height, massing, and density:** The height of the proposed building should be lowered to limit shadowing on neighbouring properties. Respondents suggested six storeys would be more suitable for the area.
- **Traffic:** The increasing traffic would be a concern, with respondents suggesting traffic calming measures to create more safety, especially near Robson Park and for children.
- **Parking within the development:** The proposed number of parking spaces is too high, while some respondents would like reduced parking spaces to help limit single occupancy vehicles.
- **St. George Street Crosswalk:** The St. George Street crosswalk should remain at its current location for walking and biking convenience, and for safety as many pedestrians tend to jaywalk in this area.
- **Views:** The proposed project would block views.
- **Safety:** Concerned about the overall safety of the neighbourhood due to this proposal. One respondent highlighted the location of the underground parking exit would make the sidewalk unsafe for pedestrians.
- **Neighbourhood development:** The neighbourhood character would be negatively affected by the proposed project. One respondent, while in support of the proposal, cited concerns with the number of rezoning applications in the area.
- **Neighbourhood context:** The proposal would be out of context with the neighbourhood scale.

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

General comments of support:

- The placement of the bike rack next to the building rather than beside fast moving traffic is appreciated.

- The expansion of MIRHPP would be appreciated.
- The location of this site would be ideal due to its proximity to public transit, retails, and downtown.
- Appreciate the number of proposed parking within the development to limit street parking which can cause traffic issues.
- General support for the proposal, with the respondent trusting engineers would make the right decisions on road capacity needs.
- The location of the project beside Robson Park is ideal.
- The positioning of the project would provide good views for residents while limiting shadows on neighbouring properties.
- The commercial spaces at-grade would bring more services and foot traffic to the area.

General comments of concern:

- The proposal would be out of context with the neighbourhood scale.
- There is already limited street parking that is used by customers of nearby retail and services. This proposed development will cause greater problems.
- While respondents welcome new residents into the neighbourhood, there would be a lack of amenities to serve additional residents. Schools were also highlighted to be at maximum capacity, causing greater challenges for families.
- The neighbouring Robson Park would need improvements to accommodate more residents. One respondent cited concern with the limited greenspace in the area, with fear that Robson Park could be redeveloped in the future.
- The proposed number of MIR units is considered low, 50 percent would be ideal in new rental buildings to address the housing crises.
- The proposed development would decrease homeowners' property value.
- The community centre would be shadowed by the project.
- The proposed project will set precedence for higher buildings in the future.
- Concerned that the wood construction of the proposed building would pose as a fire hazard to Robson Park.
- The developer is developing this project for profit rather than making it truly affordable under MIRHPP.
- The lower balconies in the proposed project would be affected by noise along Kingsway.

Neutral comments/suggestions/recommendations:

- Appreciate that Robson Park would not be shadowed but suggest doing a shadow analysis that is beyond 4:00 pm.
- Recommend having better a transition between the project and neighbouring single detaches dwelling homes.
- This site would be suitable for the Vancouver Mural Festival in the future.
- Tenant selection would be important when the project is completed to ensure a family-oriented character of the neighbourhood.

2. URBAN DESIGN PANEL

The Urban Design Panel (UDP) reviewed this application on October 2, 2019. The application was supported with recommendations.

EVALUATION: SUPPORT with RECOMMENDATIONS (6-0)

- **Introduction:** Rezoning Planner, Derek Robinson, began by noting this site is located on the NW corner of Kingsway and St George St, across from Robson Park. It is within the Mt. Pleasant Plan Area and the Broadway Plan study area. The site is just over a 1 acre in size and is zoned C-2. Adjacent sites on Kingsway are zoned C-2 while properties to the north are RT-5. Across Kingsway is the Mount St. Joseph hospital.

This application is in response to the Moderate Income Rental Housing Pilot Program or MIRHPP, which is a limited pilot program that enables up to 20 rezonings city-wide for new buildings that provide 100% secured market rental housing, with a minimum of 20% of the residential floor area permanently secured for moderate income households. This program addresses a critical gap in our rental housing market by encouraging development of new units for households earning between \$30,000 and \$80,000 per year. The policy outlines location criteria, where a height of up to 14 storeys could be considered for C-2 sites on arterial roads. Neighbourhood context is an important consideration, and all projects must consider and respect transitions to surrounding areas and homes.

Note In 2016, Council approved at public hearing a rezoning application for a 6 storey Rental 100 building on this site. This previous application included a car dealership at grade and vehicle access from St. George St. This proposal under consideration today is to construct a 14-storey mixed use rental building with a 4-6 storey podium. The FSR is 7.22; however 2.12 FSR consists of below grade car storage. 215 units are proposed with CRUs at grade. Vehicle access is proposed from a new traffic signal on Kingsway aligned with the existing hospital access. Consolidating access on Kingsway allows for future closure of St George St to traffic in favor of a park extension including a cycle path and storm water infrastructure. Retention of a large cedar tree, ground oriented units and a three storey height transition is also proposed along St. George.

Development planner, Grace Jiang, began by noting the site is at the sharp corner of Kingsway and St George St. It has long frontage on both streets with approx. 400 ft. along Kingsway and 260 ft. on St George. The site is generally flat along Kingsway but drops significantly to the north on St George St. by approx. 13 ft. The site does not have a lane on the back separating the site from the adjacent properties to the north.

The site is located between Main and Fraser St. within the boundary of Mountain Pleasant Community Plan. It is close to the "Triangle Block" formed by Broadway, Main St, and Kingsway. There are many existing high rise developments in this area, including 21-storey Independent development, a few other 8 to 14 storey buildings. The floor plates range from 9,000 sq. ft. to 11,000 sq.ft.

This site and the adjacent sites on Kingsway are current C-2. The area to the north is zoned RT-5 which is intent on preserving existing heritage and character houses. An elementary school is one block away to the north. The immediate neighbour is a city-

owned lot used for a kids Club. Crossing St George St is Robson Park with a Mountain Pleasant family center at the corner. This area functions as a recreation hub and very well-used by the neighbourhood.

The application comes under MIRHPP rezoning policy. The policy considers some additional height and density up to 14 storeys for a C-2 zoned site at the intersection of one arterial and one local street, commensurate with site size, context, and other considerations.

The application is for two 14 storey towers and 5 storey podium mixed use development. The towers are in rectangle shape with a gross floor plate of 6,500 sq. ft. The separation between these two towers is 80 ft. The podium height is 5 storeys on Kingsway. It reads as 6 storeys and steps down to 3 storeys along St George. On the back of the building the podium heights are reduced to one and two storeys. The shadow study provides a comparative analysis between shadows generated by this proposal and that of a development conform to C-2 zoning and that of the council-approved rental 100 development. It indicates the proposal shadows less on the park but shadows more to the neighbours by the towers. The street-wall expression on Kingsway slightly deviates from the base zoning C-2, which usually anticipates a continuous 3 storey street-wall with a stepping back on the 4th floor.

The parking access is from Kingsway on the western side which is in line with the access of the hospital site across Kingsway. The rest of Kingsway frontage is occupied by a residential entrance and commercial units. The proposal also includes office use on the second floor. The frontage of St. George is proposed with another residential entrance and 3-storey ground-oriented townhouses. The proposal includes one indoor amenity room on level 3 and outdoor amenity spaces on multiple roof decks.

Advice from the Panel is sought on the following:

1. Does the panel support the proposed height and density (14-storey tower and 5-storey podium)?
2. Under the MIRHPP Policy, projects must consider and respect transitions to surrounding areas and homes. Has the proposed transition heights and setbacks successfully mitigated impacts to the neighboring low density area in terms of shadowing, overlook, and views, in particular, the interface with the adjacent north properties without a lane?
3. Does the proposal contribute an appropriate streetscape on Kingsway? with particular comments on:
 - street view and sky view contributed by the towers;
 - height and expression of the street-wall;
 - breaks in the long frontage of the podium; and
 - animation of street level frontage.
4. Given the adjacency to the Robson park and future enclosure of St. George Street, has the proposal provided a successful design response, including the interface with St. George Street and the public realm at the sharp corner?

5. Mt Pleasant Community Plan calls for good way for contemporary design to fit into the neighbourhood. Please provide preliminary comment on the architectural expression and materiality to inform the development application.

The planning team then took questions from the panel.

- **Applicant's Introductory Comments:** The applicant began by noting the developer is a family owned business in Mount Pleasant over 30 years. They intend to stay connected to the neighborhood for the long term.

Their 2016 rental 100, rezoning application, which was approved by council in 2017 they stopped due to rising construction costs. In 2018 the MHIRP program was launched and the developers decided to take another look and pursued the application.

This site is blocks from uptown Mount Pleasant neighborhood and close to the future rapid Broadwaymain transit station. It is also next to the Boys and girls club. It is also pposite Mount St. Joseph hospital.

The MHIRP objective is to optimize rental density and for this site minimize shadowing on Robson Park. Uses include commercial retail at grade, office, and rental housing. 35 percent units are family oriented with two bedrooms or more, there are a total of 215 units, two amenity spaces and a generous amount of outdoor space.

Form of development is two midrise towers on top of three story residential podiums. The podium, height, and massing at St George street steps down to the boys and girl club. The Northern midrise towers parallels with Kingsway, and located 40 ft. back from adjacent property. The southern tower is perpendicular to Kingsway to minimize shadowing. Both towers forms are setback from the neighboring properties. Commercial retail on Kingsway is continuous and wraps around St George Street and ends at the town houses. There is a partial level office, on the second level above the retail that faces north. The commercial massing features, flat iron corner prow with store front glazing to accommodate a variety of CRUS.

Significant differences from rezoning is moving the parking and loading to enhance the public realm off St George.

Regarding the landscaping, the public realm is very prescriptive; St George is a little unknown at the moment. There are a number of existing trees along Kingsway; there is an existing bus stop that will be upgraded. The corner around St George has a lot more green to tie it in the garden feel of the single family homes.

There is a children's play adjacent to the amenity room, in a fairly, good, sunny part. Level 6 there is a more passive space, rooftop dinning lounging, kitchen, urban agriculture, maximizing soil volumes. There are metal wall planters to mitigate grade change.

The project is complying with the Green buildings rezoning policy. There is a proposed solution around the rain water management. Overall performance, under total energy use intensities by 5 points. The greenhouse gas intensities are about 2 points lower. The

residential has a 50 percent glazing ratio. There is a standard mix of heat conservation mechanisms. The applicant team then took questions from the panel.

- **Panel's Consensus on Key Aspects Needing Improvement:** Having reviewed the project it was moved by Ms. Avini-Besharat and seconded by Mr. Sharma and was the decision of the Urban Design Panel:

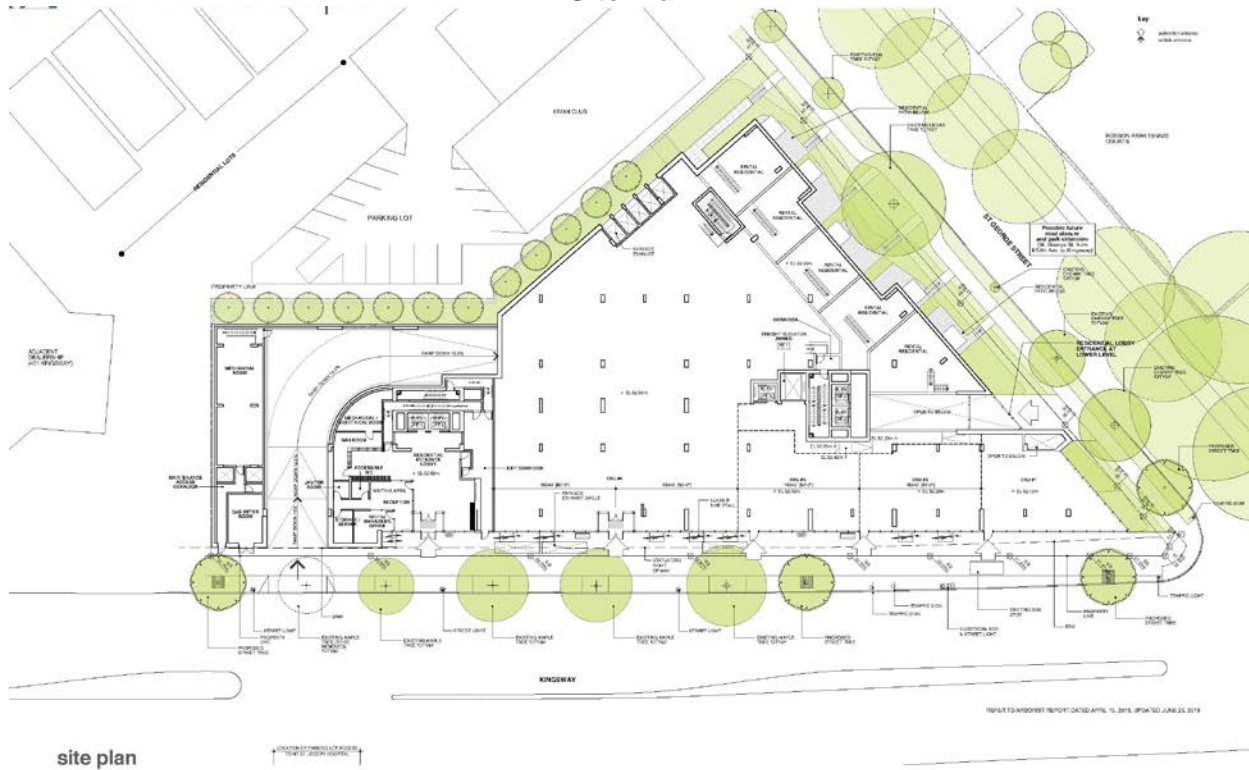
THAT the Panel SUPPORT of the project with the following recommendation to be reviewed by City Staff:

- Further design Development of the Kingsway street frontage to create an interesting, lively, and well detailed project at the ground level along the street with consideration to the parkade air intake and exhaust and their locations on the street frontage.
- **Related Commentary:** There was general support by the panel for the heights, density, shadowing and transition. The main concern from the panel was in the detailing.
 - The panel noted the Kingsway frontage needs further work.
 - The Kingsway face at street level has a long frontage that is not currently working. Consider breaking up the expression of retail and podium above it to makes less relentless.
 - There is strong opportunity at the corner of St George and Kingsway to do something very interesting.
 - The panel preferred a stronger street expression and corner to make the corner memorable.
 - The response to St George appears to work, the townhouses were seen as a positive addition.
 - The different layers of the podium are good.
 - The interface with the park and residential neighborhood is well treated.
 - The panel acknowledged it is challenging to have the parking entry anywhere on this site. The panel noted the parking access needs a more creative solution.
 - The panel noted this is a rezoning, and for the next step would like to see a more lively and colorful Kingsway expression to fit the neighborhood. A panelist noted to activate Kingsway more with seating and standing areas.
 - A Panelist noted to make a few suites accessible or accessible ready for rental.
 - There is a lot of venting on the sidewalk, anything that can be done to move to a location that makes pedestrian experience better would be seen as an improvement.
 - Overall landscaping and locations of amenities are successful.
 - The roof top spaces have small or no indoor space, recommend maximizing the interior space to exterior space.
 - Additionally, would be nice for the rooftop to stay accessible all year long.
 - A panelist noted the shadow on the north property is too much.
 - The panel commended the applicant for providing air conditioning in the rental units and the concept of reusing water for the carwash
- **Applicant's Response:** The applicant team thanked the panel for their comments.

* * * * *

445 Kingsway and 2935 St. George Street FORM OF DEVELOPMENT DRAWINGS

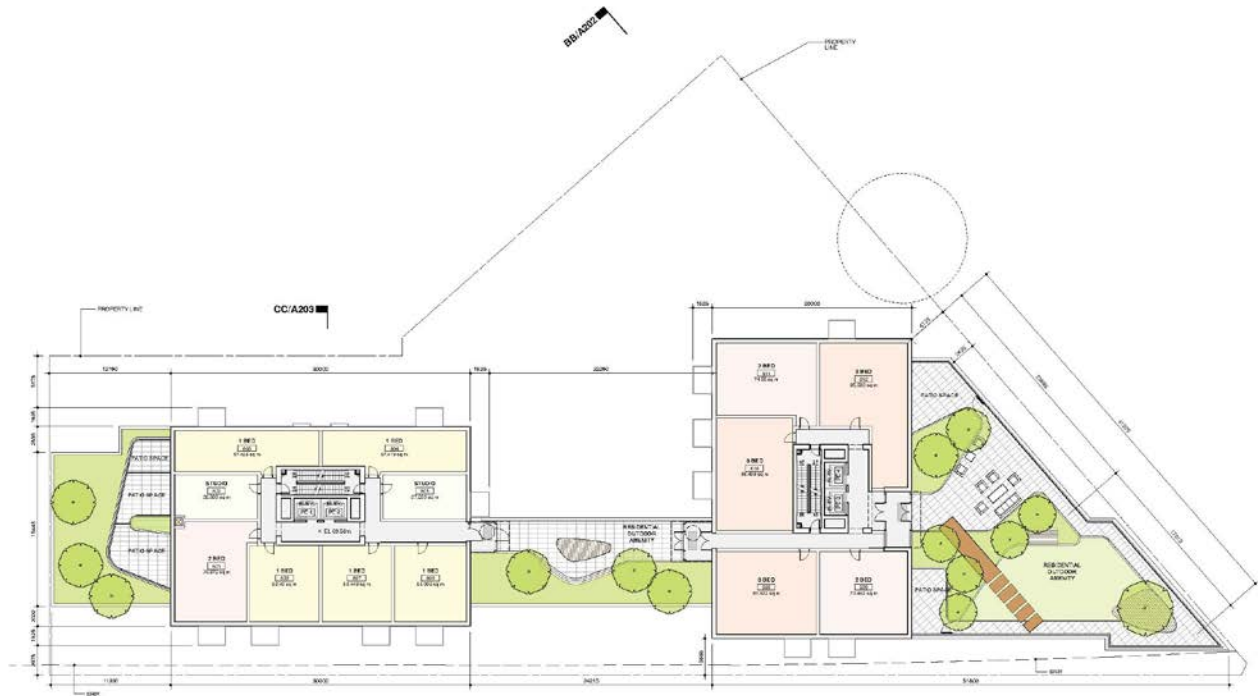
Site Plan



Third Floor Plan



Sixth Floor Plan



Southwest Elevation (Kingsway)



East Elevation (St. George Street)



* * * * *

445 Kingsway and 2935 St. George Street
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 all the proposed dwelling units will not be greater than specified in the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit size	Proposed average unit size
Studio	54	42 m ² (452 sq. ft.)	35.4 m ² (381 sq. ft.)
1-bedroom	86	56 m ² (603 sq. ft.)	51.2 m ² (551.1 sq. ft.)
2-bedroom	54	77 m ² (829 sq. ft.)	72.9 m ² (784.7sq. ft.)
3-bedroom	21	97 m ² (1,044 sq. ft.)	96.1 m ² (1034.4 sq. ft.)

- (d) The average initial rents for moderate income rental units do not exceed rents specified in section 3.1A(d) of the DCL By-law. The following data reflects the DCL Waiver Request Form submitted by the applicant.

Unit Type	No. units proposed	DCL By-law maximum average unit rent*	Proposed average unit rent
Studio	11	\$950	\$950
1-bedroom	14	\$1,200	\$1,200
2-bedroom	13	\$1,600	\$1,600
3-bedroom	6	\$2,000	\$2,000

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.

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**445 Kingsway and 2935 St. George Street
PUBLIC BENEFITS SUMMARY**

Project Summary:

14-storey building with 215 rental units and commercial uses at grade

Public Benefit Summary:

The proposal would provide 215 secured rental housing units through a Housing Agreement for the life of the building or 60 years, whichever is longer, with minimum 20% of the residential floor areas secured for moderate income units. The project would also contribute a DCL payment and contribution to public art.

	Current Zoning	Proposed Zoning
Zoning District	C-2	CD-1
FSR (site area = 4330 sq. m (46,609 sq. ft.))	2.50	7.22
Buildable Floor Space (sq.ft.)	116,523 sq.ft	336,315 sq. ft
Land Use	Mixed Use	Mixed Use

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCLs ¹	\$ 2,197,165
City-Wide Utilities DCLs ¹	759,125
Public Art ²	665,904
TOTAL	\$ 3,622,194

Other Benefits (non-quantified components):

215 units of rental housing, with minimum 20% of the residential floor areas dedicated for moderate income units, secured for the life of the building or 60 years, whichever is longer.

¹ Based on rates in effect as of September 30, 2019; rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs and Utilities 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.

² Based on rates in effect as of 2014; rates are subject to periodical adjustments to reflect increases in local construction costs. See [Public Art Policy and Procedures for Rezoned Developments](#) for details.

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**445 Kingsway and 2935 St. George Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

PROPERTY INFORMATION

Street Address	Property Identifier (PID)	Legal Description
445 Kingsway	011-726-598	Lot L, Block 132, District Lot 264A, Plan 21842
445 Kingsway	009-994-131	Lot 2, except part in Explanatory Plan 6822, of Lot A, Block 132, District Lot 264A, Plan 7272
2935 St. George St	010-671-919	Lot 1 of Lot A, Block 132, District Lot 264A, Plan 7272

APPLICANT INFORMATION

Applicant/Developer	Acton Ostry Architects
Property Owner	Razgul Holdings Ltd. (Inc. No, BC689424) Azizamalco Holdings Canada Ltd. (Inc. No, BC1124915)
Architect	Acton Ostry Architects

SITE STATISTICS

Site Area	4,330 sq. m (46,609 sq. ft.)
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed		Recommended (Other Than Proposed)
Zoning	C-2	CD-1		
Uses	Mixed-Use	Mixed-Use		
Max. Density	2.5 FSR	6.96 FSR		7.22 FSR
Floor Area	10,825 sq. m (116,523 sq. ft.)	30,117 sq. m (324,176 sq. ft.)		31,244.7 sq. m (336,315 sq. ft.)
Maximum Height	13.8 m (45 ft.)	48.88 m (160.37 ft.) / 14 storeys		47.65 m (156.4 ft.) / 14 storeys
Unit Mix	N/A	Market	Moderate Income	
		Studio 43	Studio 11	
		1-bed 72	1-bed 14	
		2-bed 41	2-bed 13	
		3-bed 15	3-bed 6	
		Total 171	Total 44	
		Total 215 units		
Parking, Loading and Bicycle Spaces	Per Parking By-law	Parking spaces – 215 Class A Bicycle spaces - 424 Class B Bicycle spaces - 18		
Natural Assets	24 on-site trees (and 19 off-site City-owned trees)	50 on-site trees proposed (and 4 new City-owned trees)		

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