CITY OF VANCOUVER

REFERRAL REPORT

Report Date:	May 3, 2022
Contact:	Yardley McNeill
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Meeting Date:	May 17, 2022

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 2970 Kingsway

RECOMMENDATION TO REFER

THAT the rezoning application and plans, described below, be referred to Public Hearing together with the recommendations set out below and with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary zoning by laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

A. THAT, the application by Formosis Architecture Inc., on behalf of 1289838 B.C. LTD.[1], the registered owner of the lands located at 2970 Kingsway [*PID: 018-703-810; Lot D Block 13 District Lot 37 Plan LMP15755*] to rezone the lands from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 2.50 to 3.96 and the building height from 13.8 m (45.3 ft.) to 24.6 m (80.7 ft.), to permit the development of a six-storey mixed-use building containing 127 secured market rental housing units and commercial space on the ground floor, be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Formosis Architecture Inc., received

[1] Beneficially owned and controlled by Kerkhoff (Kingsway) Limited Partnership

July 15, 2021, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B.

B. THAT subject to approval in principle of 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 approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the new CD-1, generally as set out in Appendix C, be approved.

D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally 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 new CD-1 By-law.

E. THAT Recommendations A to 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; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

(ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

(iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report evaluates an application to rezone 2970 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit a density of 3.96 FSR and building height of 24.6 m (80.7 ft.), under the *Secured Rental Policy* (SRP). The proposal is for a six-storey mixed-use building containing 127 secured market rental housing units and commercial space at-grade.

Staff have assessed the application and conclude that it meets the intent of the SRP. If approved, the application would contribute 127 secured rental housing units towards the City's housing goals as identified in the *Vancouver Housing 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 a Public Hearing and the conditions outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

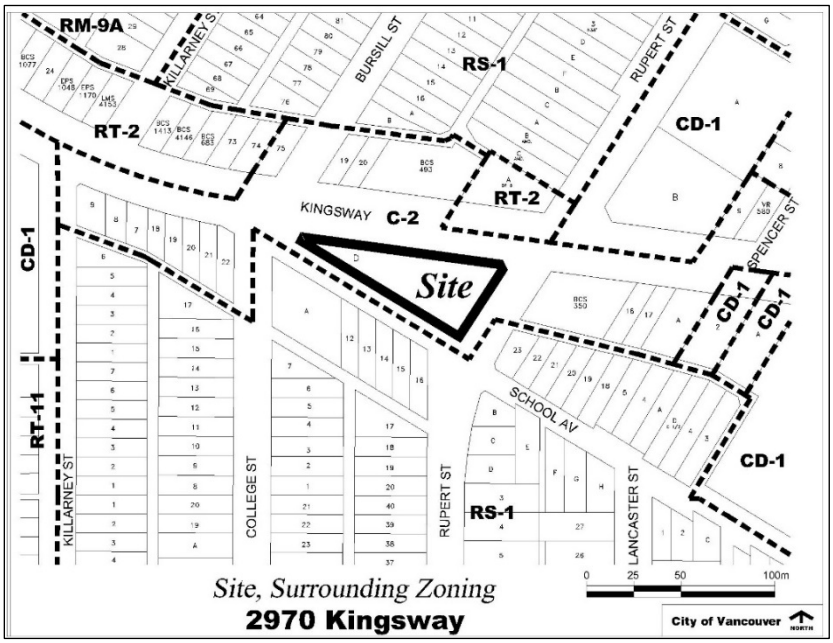
- Secured Rental Policy (2019)
- Rental Incentive Programs Bulletin (2012, amended 2022)
- Housing Vancouver Strategy (2017)
- Renfrew-Collingwood Community Vision (2004)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families With Children Guidelines (1992)
- C-2 District Schedule (1996, amended 2022)
- Green Buildings Policy for Rezonings (2010, last amended 2018)
- Community Amenity Contributions Policy for Rezonings (1999, last amended 2022)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183
- Latecomer Policy (2021)
- Urban Forest Strategy (2014)

REPORT

Background/Context

1. Site and Context

Figure 1: Surrounding Zoning and Context



This 2,313.8 sq. m (24,905 sq. ft.) subject site in the Renfrew-Collingwood neighbourhood is comprised of one triangular shaped lot located on Kingsway, with frontage along Rupert Street to the east and School Avenue to the south (see Figure 1). The property is triple fronting with approximately 105.4 m (345.8 ft.) along Kingsway, 42.1 m (138.0 ft.) on Rupert Street and 98.1 m (321.8 ft.) on School Avenue. The lot has been vacant since the 1990s and has no existing tenants on site.

Neighbourhood Amenities – The following amenities are within walking distance of the site:

- Public Parks – Earles Park is 500 m to the southwest, Norquay Park is 550 m to the west, Killarney Park is 850 m to the south, Gaston Park is 1 km to the east.

- Community Spaces – Collingwood Library is 100 m to the north, Green Thumb Theatre is 500 m to the southeast, Collingwood Neighbourhood House is 950 m to the east, Killarney Community Centre is 1.3 km to the south.

- Child Care Facilities – Duke Street Child Care Centre is 700m to the northwest.

Local School Capacity – The site is located within the catchment area of Sir Guy Carleton Elementary School at 3250 Kingsway a 450 m walk to the east and Killarney Secondary School at 6454 Killarney Street, a 1.6 km walk to the south. According to the Vancouver School Board (VSB)'s 2020 Long Range Facilities Plan, Sir Guy Carleton Elementary is not currently in use due to damage sustained from a fire in 2016. In 2016, the enrolment at Carleton was 308 students. In response to the fire, the VSB offered Carleton families enrolment options including attending neighboring Cunningham Elementary School or other nearby schools in the Killarney family of schools. Since September 2016, Carleton students have primarily been attending Cunningham Elementary School located at 2330 East 37th Avenue, a 1.3 km walk to the west.

According to the Vancouver School Board (VSB)'s 2020 Long Range Facilities Plan, Carleton Elementary has an expected capacity of 24% by 2029. Cunningham Elementary School is operating under capacity, with an expected capacity of 46% by 2029. Killarney Secondary School is operating under capacity, with an expected capacity of 66% by 2029.

The City coordinates with the VSB to inform decision-making and reduce enrolment pressure, recognizing that some schools are full, but there is overall surplus capacity within their system. The VSB continues to monitor development and work with City staff to help plan for future growth.

2. Policy Context

Secured Rental Policy (SRP) – On November 26, 2019, Council approved amendments to the *Secured Market Rental Housing Policy* (commonly known as Rental 100) and retitled it to *Secured Rental Policy* (SRP). The SRP expands on the *Secured Market Rental Housing Policy*, by consolidating rezoning opportunities for secured rental housing previously contained in the *Affordable Housing Choices Interim Rezoning Polic*y and introducing new green buildings requirements.

On December 14, 2021, Council adopted amendments to the SRP to expedite the delivery of secured rental units. The amendments include changes to the C-2 District Schedule to facilitate six-storey market rental housing proposals through a development permit. This application was

submitted on July 15, 2021, before the amendments to the SRP, and is being considered under the previous 2019 SRP.

Rental Incentive Programs Bulletin – To correspond with Council's approval of the SRP in November 2019, a new *Rental Incentive Programs Bulletin* was issued. This bulletin provides updated information on Development Cost Levy (DCL) waivers and other incentives available to eligible secured rental projects including additional density considerations.

Housing Vancouver Strategy (2017) – In November 2017, Council approved the *Housing Vancouver Strategy* (2018-2027) and the *3-Year Action Plan* (2018-2020). The strategy focuses on the right supply of new homes, including rental, to meet a continuum of housing types. By 2028, the strategy has targeted the delivery of 72,000 new homes, including 20,000 purpose-built rental units. This rezoning will contribute towards the targets for purpose-built market rental units and family units.

Strategic Analysis

1. Proposal

This application proposes a six-storey mixed-use building with 127 secured market rental housing units and commercial uses at-grade. The proposed density is 3.96 FSR, with a total floor area of 9,163 sq. m (98,624 sq. ft.) and a height of 24.6 m (80.7 ft.). Vehicle and bicycle parking will be located underground, with access from School Avenue.

2. Land Use

The site is zoned C-2 (Commercial) District. 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. The C-2 District Schedule emphasizes building design that furthers compatibility among uses, ensures livability, limits impact on adjacent residential sites, and contributes to pedestrian interest and amenity.

Figure 2: View of Proposed Development looking east on along Kingsway

This proposal includes commercial retail units and residential uses, consistent with the intent of the C-2 District and the SRP. A total of 1,286 sq. m (13,846 sq. ft.) of retail space is proposed fronting Kingsway and Rupert Street, and 100% of the residential space is dedicated to secured rental units.

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

Form of Development – The proposed development's form of development is consistent with what is expected in a C-2 rental tenure development in height and massing. The residential lobby is located on School Avenue, a local street allowing continuous commercial storefronts along the two arterials. Above the ground level are five levels of residential floors.

Figure 3: Aerial looking southwest

Building Height and Massing – The proposed building is six storeys in height with commercial uses at-grade, along Kingsway and Rupert Street, two major arterials.

At-grade Interface and Public Realm – At-grade commercial spaces have a minimum ceiling height of 5.2 m (17 ft.), providing a viable and flexible commercial space that is suitable for diverse commercial tenants. The sloping nature of the site provides even greater floor-to-floor height on the west end, providing sufficient height for a mezzanine. Though staff are supportive of this approach, an Urban Design condition has been included in Appendix B to set back the mezzanine spaces from the building façade. The condition will provide maximum clear storefronts, improving the interface with the public realm and ensure high level of pedestrian interest.

The commercial spaces wrap around Kingsway and Rupert Street, promoting street activation. Due to a lack of a service lane for the site, the underground parkade and commercial loading spaces are accessed from School Avenue. Urban Design conditions in Appendix B require further design development at-grade, to ensure a desirable and engaging public realm with greater pedestrian interest along School Avenue. In addition, staff recommend exploring secondary entrances to the commercial spaces from School Avenue to further increase pedestrian interest and provide street activation.

Amenity – The proposed development provides ample amenity spaces for the residents throughout the building including the multi-purpose indoor amenity room on the ground level by the residential entry and the common rooftop outdoor amenity space. The roof deck includes green roof areas, shaded multi-functional spaces, a dog play area and a child's play area.

Urban Design Panel (UDP) – This application was not reviewed by the Urban Design Panel (UDP) given the relatively small scale of the proposal and general compliance with the SRP.

Staff conclude that the design is consistent with the intent of the SRP regarding the form of development. Staff support this application, subject to the 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. This application, if approved, would add 127 rental-housing units, which would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 4).

Figure 4. Progress Towards 10-Year Housing Vancouver Targets for Purpose-Built Market Rental Housing as of Dec 31, 2021

Housing Type	10-Year Targets	Units Approved Towards Targets
Purpose-Built Market Rental Housing Units	20,000	8,935 (45%)

** 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.*
**** Includes Developer-Owned Below-Market Rental Housing*

Vacancy Rates – Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2021, the purpose-built apartment vacancy rate was 1.20% in Vancouver. The vacancy rate (based on the CHMC Market Rental Survey) for the Southeast Vancouver area within which this site is located is 0.60%. A vacancy rate of 3-5% represents a balanced market.

Unit Mix – This proposal would deliver a variety of unit types in the form of studio, 1-bedroom, 2-bedroom, and 3-bedroom units. On July 13, 2016, Council adopted the *Family Room: Housing Mix Policy for Rezoning Projects* policy that requires a minimum of 35% family units. This application would deliver 45 family units (35%) in a mix of two-bedroom and three-bedroom units, thereby meeting the policy. These units must be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

Average Rents and Income Thresholds – The average rents on the eastside for various units are shown in Figure 5. Rent increases over time are subject to the Residential Tenancy Act.

Figure 5: Market Rents in Newer Eastside Buildings, Costs of Ownership and Household Incomes Served

		Newer Rental Buildings Eastside[1]		Monthly Costs of Ownership for Median-Priced Unit Eastside (with 20% down payment)[2]		
Unit Type	**Proposed Average Unit Size (sq. ft.)**	**Average Rent**	**Average Household Income Served**	**Monthly Costs Associated with Purchase**	**Average Household Income Served**	**20% Down Payment Amount**
Studio	425 sq. ft.	$1,549	$61,960	$2,142	$85,668	$81,700
1 Bedroom	525 sq. ft.	$1,825	$73,000	$2,613	$104,501	$100,800
2 Bedroom	734 sq. ft.	$2,354	$94,160	$3,694	$147,764	$141,200
3 Bedroom	928 sq. ft.	$3,299	$131,960	$5,429	$217,168	$212,900

1. Data from the October 2020 CMHC Rental Market Survey for buildings completed in 2011 or later on the Eastside of Vancouver

2. Based on the following assumptions: median of all BC Assessment sales prices in Vancouver Eastside in 2020 by unit type, 20% down payment, 5% mortgage rate (in-line with Bank of Canada conventional rate), 25-year amortization, $150 – 250 monthly strata fees and monthly property taxes at $2.92 per $1,000 of assessed value (2020 assessments and property tax rate)

Average market rents in newer rental buildings on the eastside are shown in Figure 5. Market rental housing provides options that are significantly more affordable than average home ownership costs as illustrated in Figure 5.

Security of Tenure – All 127 units would be secured as rental through a Housing Agreement and/or a Section 219 Covenant for the longer of 60 years and the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units. The addition of new market rental housing units contributes toward the Housing Vancouver targets. Conditions related to securing the units are contained in Appendix B.

Existing Tenants – The site has no existing tenants on-site.

5. Transportation and Parking

The application proposes approximately 97 vehicle parking spaces and 253 bicycle spaces, accessed from School Avenue. The application will meet the Parking By-law, which provides for reductions in the number of parking spaces. Based on the proximity to transit, the development is eligible for a 20% reduction to residential parking and a 10% reduction to commercial parking requirements.

Kingsway is part of TransLink's Frequent Transit Network (FTN), including buses 19, 26 and N19. The site is also 650 m from R4 bus stops on 41st Avenue and Joyce Street, 1.1 km from Joyce-Collingwood SkyTrain station, and 700 m from the Vanness Avenue/BC Parkway bike route.

Engineering conditions related to transportation, public realm and parking are included in Appendix B and seek to improve the pedestrian experience by requiring a new sidewalk on School Avenue, improved sidewalks with street trees on Kingsway and Rupert Street, upgraded street lighting adjacent to the site, and improved intersection markings and signage.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezonings* requires that applications satisfy either the near zero emission buildings or low emissions green building requirements. This application is pursuing the low emissions requirements, which establishes energy and carbon limits to create efficient and comfortable homes and workplaces. The applicant has submitted a design strategy outlining how the project will meet targets. Conditions are included in Appendix B.

Natural Assets – The *Urban Forest Strategy* seeks to protect and strengthen Vancouver's urban forest and tree canopy. The Protection of Trees By-law requires that permission be granted to remove trees that contribute to a healthy urban forest. The intent is to protect as many healthy, viable trees as possible, while still meeting the challenges of development, housing priorities and densification.

There are no existing by-law trees on site and no street trees on City lands adjoining the site. New on-site trees are proposed along School Avenue and new street trees are proposed on Kingsway and Rupert Street, with final numbers and locations determined through the development permit process.

An old north-south stream once passed through the site, and a watercourse covenant has been secured as a condition of enactment.

See Appendix B for stream, landscape and tree conditions.

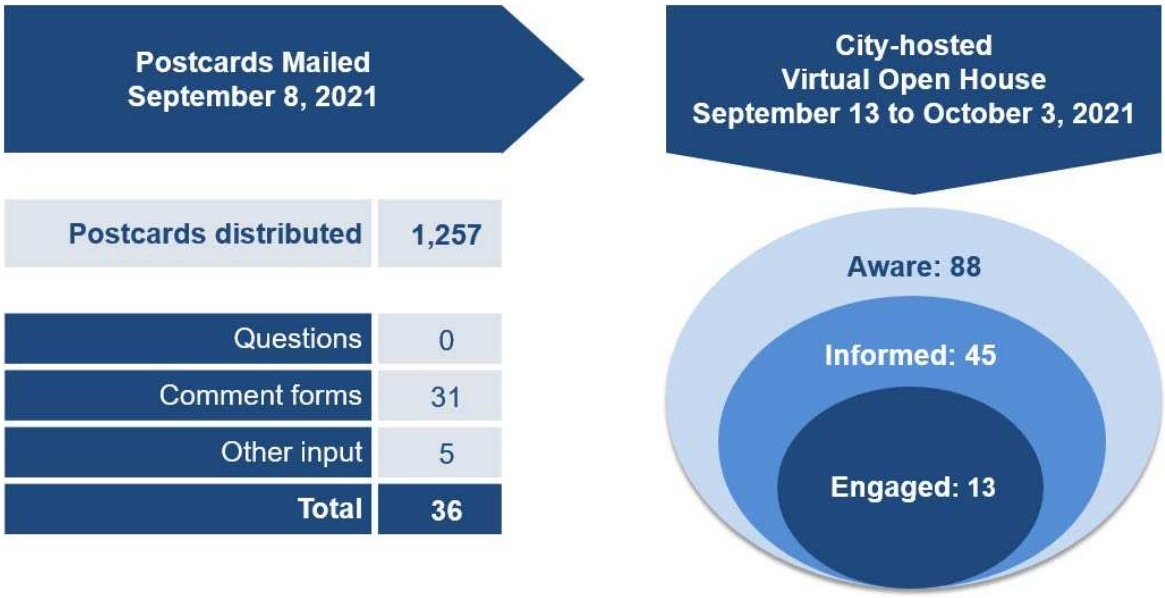
7. Public Input

Public Notification – A rezoning information sign was installed on the site on August 18, 2021. Approximately 1,257 notification postcards were distributed within the neighbouring area on or about September 10, 2021. Notification and application information, as well as an online comment form, was provided on the Shape Your City Vancouver (shapeyourcity.ca/) platform.

Virtual Open House – A virtual open house was held from September 13 to October 3, 2021 on the Shape Your City platform. The virtual open house consisted of an open-question online event where questions were submitted and posted with a response over a period of three weeks. Digital presentations and a digital model representation were posted for online viewing.

A virtual approach allows people to access materials online and engage at different levels at a time and location of their choosing. An extended virtual open house period allows people to ask questions regarding the proposal, which staff actively monitored and responded to publicly.

Figure 6: Overview of Notification and Engagement



Public Response and Comments – Public input was received via online questions, comment forms, email, and by phone. A total of 36 submissions were received. A summary of all public responses are in Figure 6 and detailed in Appendix D.

Below is a summary of feedback received from the public by topic and ordered by frequency.

Generally, comments of support fell in the following areas:

- **Rental housing:** Provision of rental housing is strongly supported for this site.
- **Overall support:** Development of vacant lot will enhance the neighbourhood.
- **Building density, height and massing:** Proposed building fits the surrounding neighbourhood context.

Generally, comments of concern fell within the following areas:

- **Traffic, parking and infrastructure:** Concern with the existing road infrastructure and its ability to support development. The intersections at Kingsway and School Avenue, College Street and Bursill Street is especially problematic in terms of safety. Concerns regarding insufficient parking for residents within the development.
- **Privacy and sunlight:** Concern building will block views, sunlight, and reduce privacy for neighbouring residents.
- **Building density, height and massing:** Concern building does not appropriately reflect the surrounding context, and should be lowered to four- or five-storeys.

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

- Intersection safety – Provisions to extend the centre median on Kingsway toward the west, upgrade street lighting adjacent to the site including at surrounding intersections, and adjust intersection signage and paint markings have been included as conditions of enactment in Appendix B.

- Parking – The project will comply with the Parking By-law and is well served by transit.

- Privacy and height – The proposed height and density are appropriate and consistent with the SRP.

8. Public Benefits

In response to City policies concerning changes in land use and density, this application addresses public benefits as follows.

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

The *Community Amenity Contributions Policy for Rezonings* provides an exemption from CACs for routine, lower density secured market rental housing rezoning applications that comply with the City's rental policies. This application meets the criteria for an exemption as a C-2 zoned site proposed to rezone to no more than six storeys.

Rental Housing - The applicant has proposed that all 127 residential units are secured as rental housing for the longer of 60 years and the life of the building. As a condition of by-law enactment, a Housing Agreement and Section 219 Covenant are required to be registered on title to preclude stratification of the building, separate sale of individual units, and rentals for less than one month at a time.

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

The site is subject to the City-wide DCL and Utilities DCL. DCLs are payable at building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage. Based on the DCL by-laws and rates in effect as of September 30, 2021 and the proposed 84,778 sq. ft. of residential floor area and 13,846 sq. ft. of commercial floor area, $2,691,903 of DCLs would be expected from this project.

The applicant has not requested a DCL waiver. However, in accordance with the provisions of Section 3.1B of the *Vancouver DCL By-law* (enacted July 2020), applications that qualify as routine, lower density secured market rental exempt from CACs, may request a waiver of City-Wide DCLs at the development permit stage.

If the applicant requests a DCL waiver, the application would be subject to the maximum average unit sizes for “for-profit affordable rental housing” and maximum average rents by unit type in accordance with the DCL By-law, as secured by an amendment to or replacement of the

Housing Agreement. If the application is eligible for a DCL waiver, the value of the City-wide DCL waiver on the residential floor area would be approximately $1,546,351.

DCL by-laws are subject to future adjustments by Council, including annual inflationary rate adjustments. 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.

Public Art Program – The application is not subject to the Public Art Policy and Procedures for Rezoned Developments as the total floor area is below the minimum threshold of 9,290 sq. m (100,000 sq. ft.).

Financial Implications

Based on DCL by-laws and rates in effect as of September 30, 2021, it is anticipated that the proposed development will pay $2,691,903 in DCLs. If the applicant requests a DCL waiver at the development permit stage, the value of the City-wide DCL waiver would be approximately $1,546,351.

The 127 rental housing units will be privately owned and operated, secured by a Housing Agreement and Section 219 Covenant for the longer of 60 years and the life of the building.

No additional CAC or public art contribution is applicable.

CONCLUSION

Staff review of the application has concluded that the proposed land use, density, form of development and public benefits is consistent with the intent of the *Secured Rental Policy*. The project will deliver 127 secured market rental units towards the goals of the *Housing Vancouver Strategy*.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with the draft CD-1 By-law provisions, generally shown in Appendix A. Further, it is recommended that these be approved, subject to the Public Hearing along with the conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in plans included as Appendix E.

* * * * *

2970 Kingsway
PROPOSED CD-1 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 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 (___).

Uses

3. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (___) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

   (a) Cultural and Recreational Uses;

   (b) Dwelling Uses, limited to Multiple Dwelling;

   (c) Institutional Uses;

   (d) Manufacturing Uses;

   (e) Office Uses;

   (f) Retail Uses;

   (g) Service Uses;

   (h) Utility and Communication Uses; and

   (i) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

4.1 The design and layout of at least 35% of the total number of dwelling units must:

(a) be suitable for family housing; and

(b) include two or more bedrooms.

4.2 No portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes except for entrances to the residential portion.

4.3 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building except for:

(a) Farmers' Market;

(b) Neighbourhood Public House;

(c) Public Bike Share;

(d) Restaurant; and

(e) Display of flowers, plants, fruits and vegetables in conjunction with a permitted use.

4.4 The Director of Planning may vary the use conditions of section 4.3 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this By-law.

Floor Area and Density

5.1 Computation of floor area must assume that the site area is 2,313.8 m^2, being the site area at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

5.2 The floor space ratio for all uses combined must not exceed 3.96.

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

5.4 Computation of floor area must exclude:

(a) balconies and 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 these exclusions must not exceed 12% of the floor area being provided for dwelling uses; and

(ii) the balconies must not be enclosed for the life of the building;

(b) patios and roof decks, 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; and

(d) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m^2 for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

5.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, amenity areas accessory to a residential use, to a maximum of 10% of the total floor area being provided for dwelling uses.

5.6 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, unenclosed outdoor areas underneath the building overhangs at grade, except that such areas must remain unenclosed for the life of the building.

Building Height

6.1 Building height, measured from base surface, must not exceed 24.6 m.

6.2 Despite the provisions of section 6.1 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 rooftop appurtenances such as stairs and elevators for roof-top access, mechanical rooms, elevator machine rooms, mechanical screens and trellises or shading structures that are part of a rooftop outdoor amenity space; 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

Horizontal Angle of Daylight

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

7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

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

7.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if:

(a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and

(b) the minimum distance of unobstructed view is not less than 3.7 m.

7.5 An obstruction referred to in section 7.2 means:

(a) any part of the same building excluding permitted projections; or

(b) the largest building permitted under the zoning on any adjoining site.

7.6 A habitable room referred to in section 7.1 does not include:

(a) a bathroom; or

(b) a kitchen whose floor area is the lesser of:

(i) 10% or less of the total floor area of the dwelling unit; or

(ii) 9.3 m^2.

Acoustics

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

* * * * *

2970 Kingsway
CONDITIONS OF APPROVAL

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

PART 1: CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by Formosis Architecture Inc., received on July 15, 2021, 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

1.1 Design development of improve public realm interface by:

(a) Provision of all mezzanine commercial area is set back from the storefront by at least 15 ft. from building façade to ensure clear storefront area with high level of pedestrian interest.

(b) Provision of generous and continuous weather protection along all street frontages, including School Avenue.

Note to Applicant: Residential lobby should be distinguished from the commercial store front through architectural expression to be easily identifiable.

(c) Design development of School Avenue elevation.

(Note to Applicant: Although parkade and loading access is located off School Avenue, School Avenue should be designed with as high level of finish as the rest of the façades, as this site does not have a lane.

(d) Design consideration of secondary access to commercial area along School Avenue improve the public realm interface, as well as from the corner of School Avenue and Kingsway to further improve the flat-iron typology due to atypical site condition.

1.2 Design development to ensure high level of livability of units by:

(a) Design consideration of following minimum clear dimension of habitable spaces.

Note to Applicant: Minimum dimensions for primary habitable spaces / main living areas (e.g., living room) should be at least 12 ft., and 9 ft. for bedrooms. Also refer to Housing Design and Technical Guidelines. https://vancouver.ca/files/cov/housing-design-and-technical-guidelines.pdf.

1.3 Design consideration to provide bulk storage for each unit, especially for family units (2 bedroom and 3 bedroom units).

Note to Applicant: It is noted that storage lockers are provided on Level P2, however, in-suite storage is preferred for ease of access and livability).

Landscape

1.4 Design development to the Rainwater Management Strategy to explore opportunities for on-site rainwater infiltration and soil absorption, as follows:

(a) Maximize natural landscape best management practises;

(b) Minimize the necessity for hidden mechanical water storage;

(c) Optimise the amount of planting to the rooftop areas, where possible;

(d) Employ treatment chain systems (gravity fed, wherever possible); and

(e) Use grading methods to direct water to soil and storage areas.

Note to Applicant: refer to Engineering condition 1.29), the City of Vancouver *Integrated Rainwater Management Plan* Volume1 & 2 and *Rainwater Management Bulletin* for further information.

1.5 Provision of plans, plan details and documentation/calculations that support integrated rainwater management, including absorbent landscapes, soil volumes and detention systems, as follows:

(a) soil volume overlay plan;

(b) grading plan(s) indicating intent to direct rainwater to infiltration zones;

(c) vegetative cover overlay plan(s) with calculations for percentage of: green roof coverage, permeable/impermeable coverage, and notations describing rainwater storage locations.

1.6 Verification that the green roof elements will be provided at the development permit stage and the structure will be designed accordingly.

1.7 Provision of additional large scale details for the urban agriculture and children's play areas.

Note to Applicant: child play areas should contain natural play materials. Urban agriculture garden plots should include hose bib(s), potting benches, tool storage and composting.

1.8 Provision of a detailed landscape plan illustrating soft and hard landscaping;

Note to applicant: The plans should be at 1/8 inch: 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.

1.9 Provision of detailed architectural and landscape cross sections (minimum 1/4 inch scale) through common open spaces, semi-private patio areas and planters.

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.

1.10 Provision of a vegetative cover calculation sheet, included with the landscape plans.

1.11 Provision of a soil depth overlay sheet, included with the landscape plans.

1.12 Provision of an outdoor lighting plan.

Note to applicant: refer to Dark Night Design Principles. https://vancouver.ca/files/cov/outdoor-lighting-design-tips.pdf. Provide dimmers and timers for lights where feasible.

1.13 Provision of a high-efficiency automatic irrigation system for all planted areas.

Note to applicant: Provide a partial irrigation plan demonstrating intent, including notations, legend and symbols to confirm stub out and hose bib locations. Any limitations to the installation of hose bibs on private decks to be brought to the attention of staff in the written response.

1.14 Provision of landscape features intended to create bird friendly design.

Note to applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. Refer to the Bird Friendly Design Guidelines for examples of landscape features that may be applicable, and provide a design rationale for the features noted. Refer to:
http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf
http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf

1.15 Coordination of new proposed street trees with Engineering and the Park Board, confirming quantities, species, sizes and locations, and addition of the following note on the plans:

"Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Engineering Services (Streets Design Branch) at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. New street trees to be confirmed prior to issuance of the building permit. Call Park Board at 3-1-1 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion."

1.16 Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note:

"Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees. Methods of tree protection for street trees to be approved by Park Board."

Note to applicant: Methods of tree protection for street trees (as approved by Park Board) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection. Please contact Engineering services as soon as possible to begin the process for confirming the trenching locations for Sewer and for Water.

Sustainability

1.17 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings* (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 Rezonings – Process and Requirements* (amended April 28, 2017 or later).

Engineering

1.18 This Development site has been identified as being adjacent the Major Road Network (MRN), as defined under the South Coast British Columbia Transportation Authority Act (https://www.translink.ca/plans-and-projects/projects/roads-bridges-and-goods-movement) on one or more frontages. Potential impacts to the road network due to site specific construction activity must be reviewed for all sites proposing street use outside of currently regulated zone limitations. A Construction Management Plan must be submitted directly to TransLink (MRN@translink.ca) with a copy of the correspondence provided to the City of Vancouver a minimum 8 weeks prior to any construction activity.

Note to Applicant: The City of Vancouver and TransLink have authority over the MRN as it relates to carrying out construction works on a City Street that is designated as a MRN.

1.19 Water Sustainability Act: Construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial approval or license. 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. Provide a letter confirming acknowledgement of the condition.

For more information: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals

1.20 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.

1.21 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

1.22 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.

1.23 Provision of a finalized Transportation Demand Management ("TDM") Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Provide a TDM Plan as a separate package with completed Schedule A worksheets to show the site is taking advantage of a reduction to vehicle parking for proximity to a frequent transit network.

1.24 Gates/doors are not to swing more than 1.0 ft. over the property lines or into the statutory right-of-way area.

1.25 Provision of generous and continuous weather protection on Kingsway and Rupert Street.

1.26 Design development to improve access and design of bicycle parking and demonstrate compliance with the Bicycle Parking Design Supplement by performing the following:

(a) bicycle storage rooms to accommodate a maximum of 40 bicycles;

(b) design specifications for stacked bicycle racks including dimensions, vertical and aisle clearances;

Note to applicant: Racks must be usable for all ages and abilities.

(c) design development to remove all conflicts between columns and Class A bicycle spaces;

(d) provision of automatic door openers for all doors providing access to Class A bicycle storage; and

(e) relocation of Class B bike parking to eliminate encroachments on public property and right-of-ways.

1.27 Design development to improve the parkade layout and access design and demonstrate compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services:

(a) provision of a maximum 0.15 m (0.5 ft.) column encroachment into either side of a vehicle parking space;

Note to Applicant: Two columns on the P2 parking level are located entirely within parking spaces. Reference Section II.A of the Parking and Loading Design Supplement for additional information.

(b) provision of columns to be setback from the maneuvering aisle, yet respect the 1.2 m (4 ft.) maximum limit from the end of the stall;

Note to applicant: For example, if the column depth is 0.8 m (2.5 ft.) then the setback must be (1.5 ft.). Reference Section II.A of the Parking and Loading Design Supplement for additional information.

1.28 Provision of the following information as part of the 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, end-of-trip facilities and the number being provided;

Note to applicant: Reference Section 6.5 of the Parking Bylaw.

(b) all types of parking and loading spaces individually numbered and labelled;

Note to applicant: Label one of the Class B loading spaces ‘Residential Loading’ and the other as ‘Commercial Loading’ and identify all accessible parking spaces.

(c) dimension of all column encroachments into parking stalls;

(d) dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates;

(e) dimension access aisles within bicycle storage rooms;

(f) section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates;

Note to Applicant: These clearances must consider mechanical projections and built obstructions.

(g) additional partial section plans to show the entire length of the main parking ramp;

(h) areas of minimum vertical clearances labelled on parking levels;

(i) design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances; and

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

(j) indication of the stair-free access route from the Class A bicycle spaces to reach the outside.

1.29 Provision of a draft final Rainwater Management Plan ("RWMP") which includes the following:

(a) General Requirements

(i) Provision of post-development site plan(s) that includes the following:

- Proposed service connections to the municipal sewer system.

(b) Volume Reduction

(i) Calculation of any detention system volume to equal the greater of either the pre-development peak flow storage volume or the amount of the 24 mm rainfall not captured in Tier 1 & Tier 2 practices.

Note to Applicant: Please ensure consistency between area calculations listed in the text of the report and the subsequent tables listed in both the report and the appendices (example: green roof area).

(ii) Provision of a grading plan to support the proposal of grading hardscapes into adjacent landscaping. Coordination with the landscape architect, soil storage capacities and a grading plan will be required to support this proposal.

(iii) Provide a final calculation sizing summary for all rainwater infrastructure practices proposed.

(c) Water Quality

(i) Provide information on how the water quality requirement will be achieved on this site, as water quality treatment is required for the first 24 mm (~70% annual average rainfall) of all rainfall from the site that is not captured in Tier 1 or Tier 2 practices and 48 mm (~90% annual average rainfall) of treatment is required for high traffic areas. For the development permit submission, the following should be included for review for all proprietary devices:

- Product Name and Manufacturer/Supplier
- Total area and % Impervious being treated
- Treatment flow rate
- Supporting calculations to demonstrate adequate sizing system based on the contributing drainage area.
- Include discussion of the specified treatment device's % TSS removal efficiency certification by TAPE or ETV.
- Location of device in drawing or figure in the report.

Note to Applicant: 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 RWMP will include all relevant details.

Please contact the City of Vancouver's Rainwater Management Review group for any questions or concerns related to the conditions or comments prior to resubmission with the development permit application. A meeting may be scheduled upon request by contacting rainwater@vancouver.ca.

1.30 Provision of a Rainwater Management Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services registered prior to issuance of a development permit.

1.31 Provision of a final signed and sealed RWMP, which includes a written report, supporting calculations, computer models and drawings to the satisfaction of the General Manager of Engineering Services and the City Engineer prior to the issuance of any building permit.

1.32 Provision of a final signed and sealed Operations and Maintenance Manual for the rainwater management system to be included as an appendix in the RWMP Legal Agreement, to the satisfaction of the General Manager of Engineering Services and the City Engineer prior to the issuance of any building permit.

1.33 Submission of a Key Plan to the City for review and approval prior to submission of any third party utility drawings is required. The review of third party utility service drawings will not be initiated until the Key Plan is defined and achieves the following objectives:

(a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan https://vancouver.ca/files/cov/engineering-design-manual.PDF; and

(b) All third party service lines to the development is to be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.

Note to Applicant: Use of street for temporary power (e.g., temporary pole, pole mounted transformer or ducting) is to be coordinated with the city well in advanced of construction. Requests will be reviewed on a case by case basis with justification provided substantiating need of street space against other alternatives. If street use for temporary power is not approved, alternate means of providing power will need to be proposed. An electrical permit will be required.

1.34 The following statement is to be placed on the landscape plan;

"*This plan is NOT FOR CONSTRUCTION and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development and Major Projects and/or your Engineering, Building Site Inspector for details.*"

1.35 Remove existing retaining walls from future City dedication area:

(a) Along Rupert Street; and

(b) At the corner of Kingsway, School Avenue and College Street.

1.36 Landscape drawings to include:

(a) Along the School Avenue frontage, show front boulevard with trees from the back of curb to the property line. Proposed sidewalk on School Avenue should be entirely accommodated in the SRW area.

(b) Property line elevations shown on landscape drawings do not match City supplied building grades. Revise to ensure property line elevations match City supplied building grades. To minimize grade differences, interpolate a continuous grade between the elevations shown on the City supplied building grade plan.

Housing

1.37 The proposed unit mix, including 36 studio units (28%), 46 one-bedroom units (36%), and 39 two-bedroom units (31%) and 6 three-bedroom units (5%) is to be included in the development permit drawings.

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

1.38 The development should be designed in accordance with the *High-Density Housing for Families with Children Guidelines*, including the provision of:

(a) An outdoor amenity area to include areas suitable for a range of children's play activities and urban agriculture, ranging in size from 130 sq. m (1,399 sq. ft.) to 280 sq. m (3,014 sq. ft.) and situated to maximize sunlight access (S. 3.3.2, 3.4.3);

(b) A minimum of 2.3 sq. m (24.7 sq. ft.) of bulk storage for each dwelling unit (S. 4.4.2);

(c) A multi-purpose indoor amenity space at least 37 sq. m (398 sq. ft.) with a wheelchair accessible washroom and kitchenette. Consider positioning this adjacent to the children's play area to enable parental supervision from the amenity room (S. 3.7.3); and

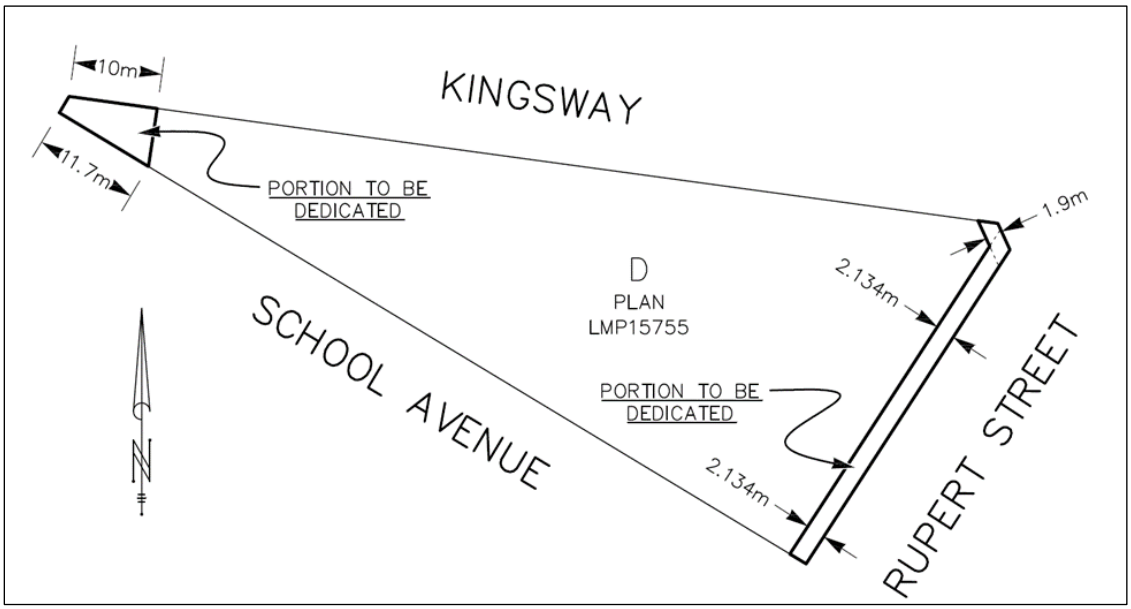
(d) A balcony for each unit with 1.8 m by 2.7 m minimum dimensions (S. 4.3.2).

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

2.1 Arrangements are to be made for the dedication of the areas of the site shown on the illustration below, for road purposes.



Note to Applicant: A Subdivision Plan is required to effect the dedication. A subdivision plan and application to the Subdivision and Strata Group is required. For general

information, see the subdivision website at: http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx

2.2 Provision of a building setback and statutory right of way (SRW) for public pedestrian use over a portion of the site to achieve a clear offset distance from the back of the existing City curb to the building face of 5.5 m on Kingsway, 5.5 m on Rupert Street, and 4.5 m on School Avenue, and from the existing property line on the corner of Kingsway and Rupert Street of 4.0 m. The SRW will be free of any permanent encumbrance such as structure, mechanical vents, stairs, and planter walls at grade, but will accommodate the underground parking structure within the SRW area.

2.3 Provision of a Watercourse covenant based on the presence of an old stream(s).

2.4 Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the Rezoning 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 all to the satisfaction of the General Manager of Engineering Services. No development permit for the Rezoning Site, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit, as security for the Services, is provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. Except as explicitly provided for in Condition 2.5 (a), the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

Note to Applicant: For general Latecomer Policy information refer to the website at https://vancouver.ca/home-property-development/latecomer-policy.aspx#redirect

(a) Provision of adequate water service to meet the fire flow demands of the project.

(i) Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Core Concept Consulting Ltd. dated June 4, 2021, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 200 mm along School Avenue or 200 mm along Rupert Street. Should the development require water service connections larger than the existing main, the developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost of the upgrading.

Note to Applicant: 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.

Note to Applicant: As per the City of Vancouver Building Bylaw, the principle entrance must be within 90 m of a fire hydrant. Should the final design of the building change such that this requirement is no longer

satisfied, provision of a new hydrant to be installed in accordance to the aforementioned bylaw will be required. The developer is responsible for 100% of the cost of this upgrade.

(b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.

(i) Implementation of development(s) at 2970 Kingsway does not require any sewer upgrades.

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. This shall be demonstrated by preparation of a Rainwater Management Plan with all necessary supporting calculations and drawings prior to the issuance of the development permit.

Note to Applicant: Development to be serviced to the existing 200 mm sanitary and 300 mm storm sewers in School Avenue.

(c) Provision of street improvements along Rupert St adjacent to the site and appropriate transitions including the following:

(i) Minimum 1.22 m (4 ft.) wide front boulevard (measured from the back of the curb) with street trees where space permits;

(ii) Broom finish saw-cut concrete sidewalk from the edge front boulevard to the new property line;

(iii) Hard surface treatment within the SRW area;

(iv) New concrete curb and gutter;

(v) Curb ramps; and

(vi) Removal of the existing driveway crossing and reconstruction of the boulevard, sidewalk, and curb to current standards;

(d) Provision of street improvements along Kingsway adjacent to the site and appropriate transitions including the following:

(i) Minimum 1.22 m (4 ft.) wide front boulevard (measured from the back of the curb) with street trees where space permits;

(ii) Minimum 3.05 m (10 ft.) wide City standard broom finish saw-cut concrete sidewalk;

(iii) Hard surface treatment between the sidewalk and the building;

(iv) New concrete curb and gutter;

(v) Curb ramps; and

(vi) Removal of the existing driveway crossings and reconstruction of the boulevard, sidewalk, and curb to current standards.

Note to Applicant: The City will provide a geometric plan for these changes. Geometric changes at the corner of Kingsway and School Avenue adjacent to the site will require removal and reinstallation of existing curbing, sidewalk, street lighting (and adjustments to all existing infrastructure to accommodate the proposed street improvements along site frontages).

(e) Provision of street improvements along School Avenue adjacent to the site and appropriate transitions including the following:

(i) Front boulevard with street trees where space permits from the back of the curb to the property line;

(ii) 2.14 m (7 ft.) wide broom finish saw-cut concrete sidewalk fully within the SRW area;

(iii) New concrete curb and gutter; and

(iv) Curb ramps.

Note to Applicant: The City will provide a geometric plan for these changes. Geometric changes at the corner of Kingsway and School Avenue adjacent to the site will require removal and reinstallation of existing curbing, sidewalk, street lighting (and adjustments to all existing infrastructure to accommodate the proposed street improvements along site frontages).

(f) Provision of improvements at the intersection of College Street, School Avenue and Kingsway including:

(i) extending the centre median on Kingsway toward the west; and

(ii) adjustments to signage and paint markings as required.

Note to Applicant: City to provide a geometric plan for these improvements.

(g) Provision of improvements at the intersection of Rupert Street and School Avenue including:

(i) extending the centre median on Rupert Street to the south; and

(ii) adjustments to signage and paint markings as required.

Note to applicant: City to provide a geometric plan for these improvements.

(h) Provision of improvements at the intersection of Rupert Street and Kingsway including:

(i) upgrades to the existing traffic signal including accessible pedestrian signals (APS); and

(ii) entire intersection lighting upgrades to current City standards and IESNA recommendations.

(i) Provision of entire intersection lighting upgrades to current City standards and IESNA recommendations at College Street and School Avenue.

(j) Provision of new pad mounted service cabinet/kiosk on School Avenue.

(k) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.

(l) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

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

(m) Provision for the installation of parking regulatory signage on streets adjacent to the site.

2.5 Provision of one or more Latecomer Agreements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following works, which constitute excess and/or extended services:

(a) improvements at the intersection of Rupert Street and Kingsway per condition 2.4 (h).

Note to Applicant: The benefiting area for these works is under review.

Note to Applicant: An administrative recovery charge will be required from the applicant in order to settle the latecomer agreement. The amount, which will be commensurate with the costs incurred by the City to administer the latecomer scheme, will be provided by the City and specified in the latecomer agreement.

Note to Applicant: For general Latecomer Policy information refer to the website at https://vancouver.ca/home-property-development/latecomer-policy.aspx#redirect

2.6 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.

The applicant is to provide confirmation that all required electrical plant is provided for on-site. There is to be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

Note to Applicant: Please ensure that in your consultation with B.C. Hydro that an area has been defined within the property boundary, clear of any SRW, to accommodate all BC Hydro infrastructure (e.g., pad mounted transformer or electrical vaults) required to service the development. Please confirm that this space has been allocated and agreement between both parties has been met.

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

Note to Applicant: Engineering support a reduction of 1 Class B loading space for the commercial use with provision of 2 Class A loading spaces to be provided in lieu. For a total 2 Class A and 2 Class B loading spaces required for the site as a whole. One Class B loading space to be dedicated to the residential use.

Housing

2.8 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 Section 219 Covenant securing all residential units as secured rental housing units, excluding Seniors Supportive or Assisted Housing, for the longer of 60 years and life of the building, subject to the following additional conditions:

(a) A no separate-sales covenant.

(b) A no stratification covenant.

(c) That none of such units will be rented for less than one month at a time.

(d) That, if a waiver of the Development Cost Levies is sought pursuant to the Development Cost Levy By-law, prior to rezoning enactment all proposed residential units will meet the definition of “for-profit affordable rental housing” in the Development Cost Levy By-law and accordingly, the average size of all residential units will not be greater than specified for for-profit affordable rental housing in the Development Cost Levy By-law, and the average initial rents for all proposed residential units will not exceed rents specified for for-profit affordable rental housing in the Development Cost Levy By-law. A rent roll would be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into, prior to development permit issuance and prior to DCL calculation during building permit.

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

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

Note to Applicant: If the applicant chooses to seek a waiver of the Development Cost Levies at the development permit stage, a new Housing Agreement will be required prior to development permit issuance to secure the obligations described in subsection (d) above.

Sustainability

2.9 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.

Environmental Contamination

2.10 As applicable:

(a) Submit a site disclosure statement to Environmental Services (Environmental Protection);

(b) As required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

(c) If required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements constructed on the site pursuant to this rezoning until separate Certificates of Compliance, satisfactory to the City, for the on-site and off-site contamination, issued by the BC Ministry of Environment and Climate Change Strategy, have been provided to the City.

Note to Applicant: 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 registerable charges pursuant to 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-law and at no cost to the City.

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.

* * * * *

2970 Kingsway
PROPOSED 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:

"2970 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 #] 2970 Kingsway"

* * * * *

2970 Kingsway
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

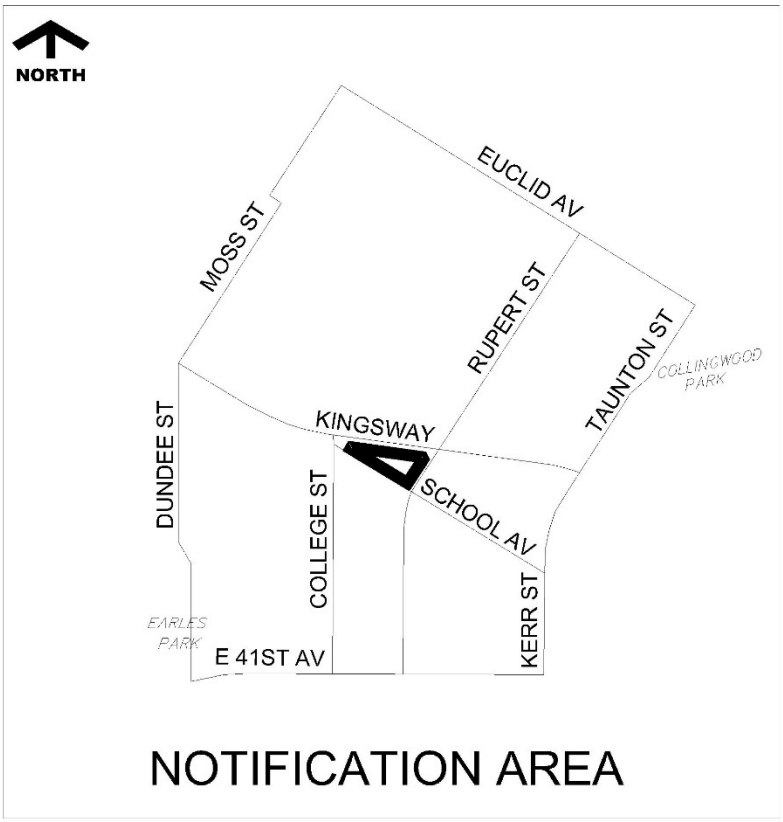
	Dates	Results
Events		
Virtual open house (City-led)	September 13 – October 3, 2021	88 participants (aware)* • 45 informed • 13 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	September 10, 2021	1,257 notices mailed
Public Responses		
Online questions	September 13 – October 3, 2021	0 submittals
Online comment forms • via Shape Your City platform	May, 2021 – February, 2022	31 submittals
Overall position • support • opposed • mixed	May, 2021 – February, 2022	31 submittals • 22 responses • 4 responses • 5 response
Other input	May, 2021 – February, 2022	5 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	May, 2021 – February, 2022	401 participants (aware)* • 163 informed • 31 engaged

Note: All reported numbers above are approximate.

* The Shape Your City platform allows staff to capture more nuanced levels of engagement associated with the rezoning application, categorized as:

- **Aware**: Number of unique visitors to the application webpage that viewed only the main page.
- **Informed**: Visitors who viewed documents or the video/photo gallery associated with the application; *informed* participants are a subset of *aware* participants.
- **Engaged**: Visitors that submitted a comment form or asked a question; *engaged* participants are a subset of *informed* and *aware* participants.

2. Map of Notification Area



3. Analysis of All Comments Received

Below is an analysis of all public feedback by topic and ordered by frequency.

Generally, comments of support fell in the following areas:

- **Rental housing:** Provision of rental housing is strongly supported for this site.
- **Overall support:** Development of vacant lot will enhance the neighbourhood.
- **Building density, height and massing:** Proposed building fits the surrounding neighbourhood context.

Generally, comments of concern fell within the following areas:

- **Traffic, parking and infrastructure:** Concern with the existing road infrastructure and its ability to support development. The intersections at Kingsway and School Avenue, College Street and Bursill Street is especially problematic in terms of safety. Concerns regarding insufficient parking for residents within the development.

- **Privacy and sunlight:** Concern building will block views, sunlight, and reduce privacy for neighbouring residents.

- **Building density, height and massing:** Concern building does not appropriately reflect the surrounding context, and should be lowered to four- or five-storeys.

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 site is well connected to Vancouver, Burnaby and New Westminster.
- The building is well designed.

General comments of concern:

- The building design could be reviewed to improve the pedestrian experience.
- Concern of the potential for contaminated soils on the site.

Neutral comments/suggestions/recommendations:

- The building would benefit from a lighter colour palette to temper its massing.
- The façade design could be improved with higher quality materials like brick and more variation in treatment.
- Large trucks and buses cannot turn right properly onto Rupert Street from Kingsway.
- The building could benefit from being taller and having a higher FSR.
- The neighbourhood would benefit from public art or other place-making opportunities from this development.
- The design should include rain canopies and heat abatements.
- Separating the elevators on opposite sides of the building would facilitate movement for those with mobility issues.
- There is potential to improve the interaction between the northeast corner store and the public realm on Kingsway.
- There are opportunities to improve the public realm on School Avenue, as the current design of blank walls is unwelcoming for pedestrians.
- An indoor amenity on the rooftop would be a welcome addition.
- It would be beneficial if below market rate units were available for local artists or seniors.
- Metered parking should be introduced along the surrounding streets.
- New traffic lights and crosswalks at the confluence of Kingsway, School Avenue, College Street and Bursill Street would enhance safety.
- More bike racks along Kingsway would be appreciated.
- More co-op housing types should be introduced in this area.

* * * * *

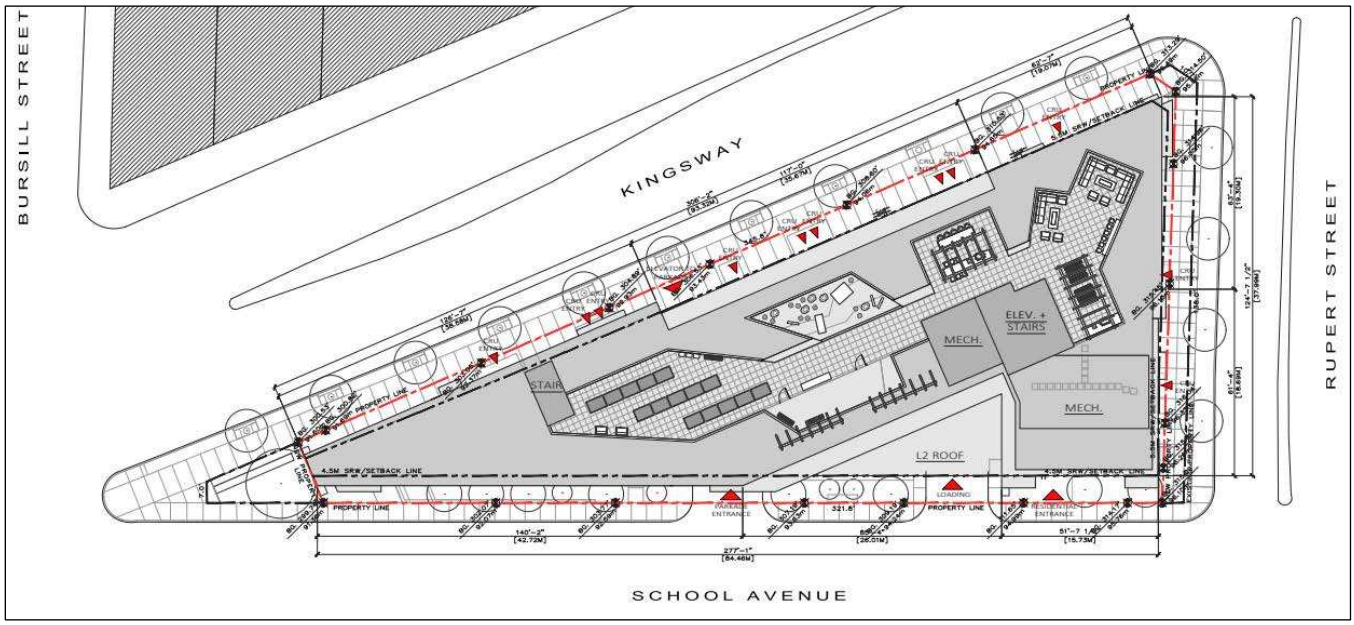
2970 Kingsway
FORM OF DEVELOPMENT DRAWINGS

Street level perspective looking northwest at Rupert Street and School Avenue

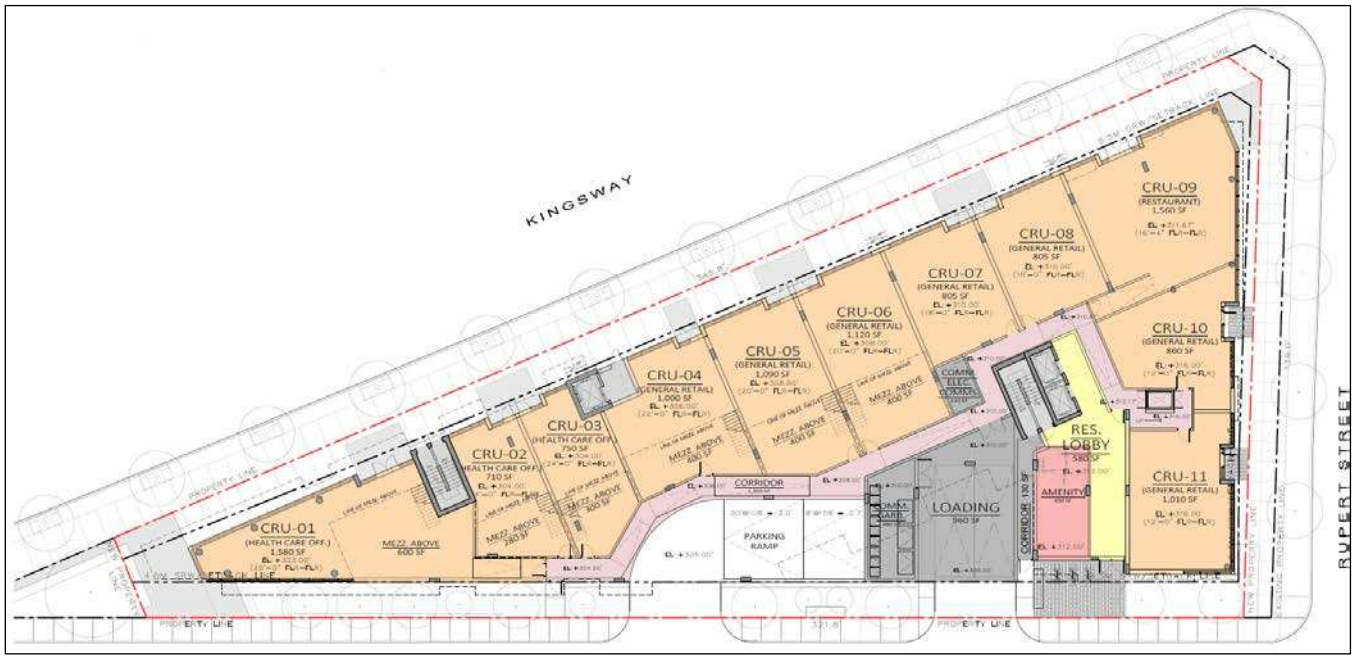
Aerial looking southeast along Kingsway

Street level perspective looking southwest at Rupert Street and Kingsway

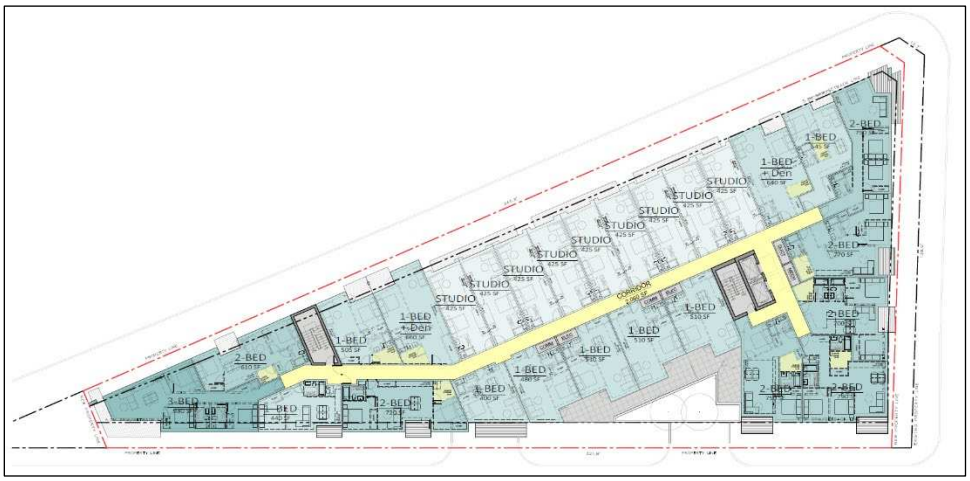
Site Plan



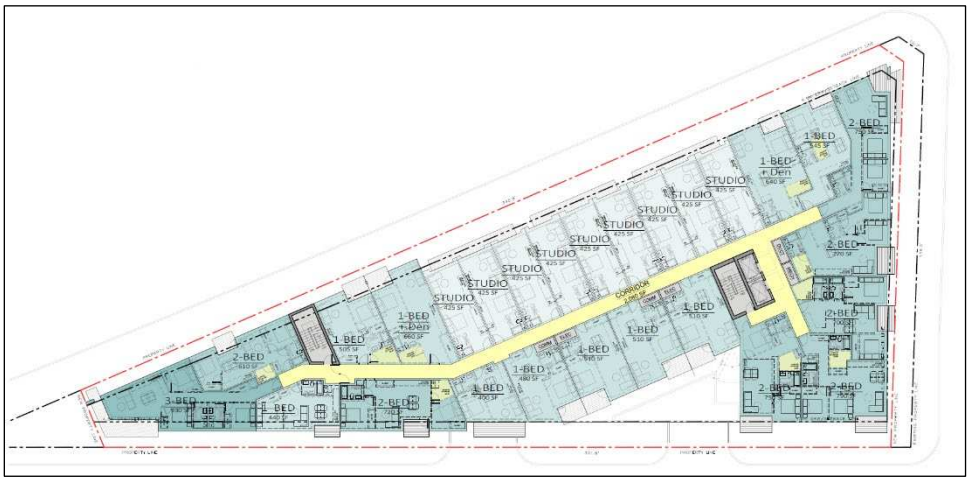
Ground Floor



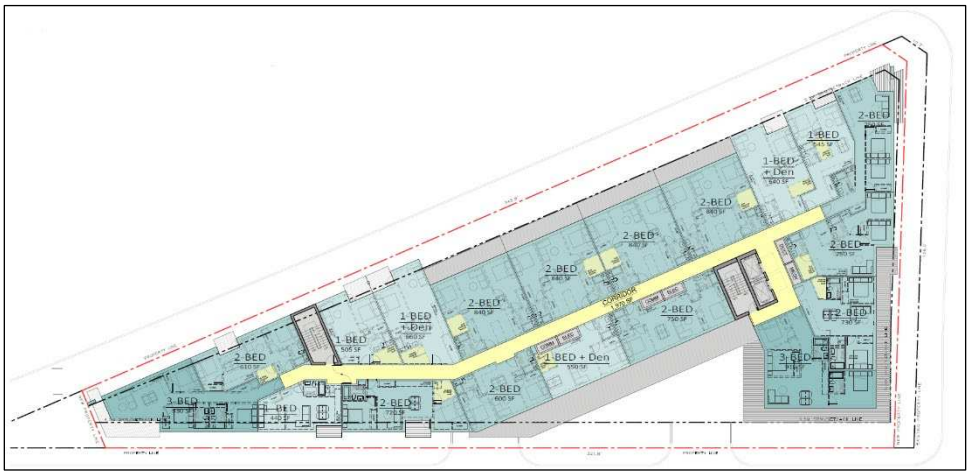
2nd Floor



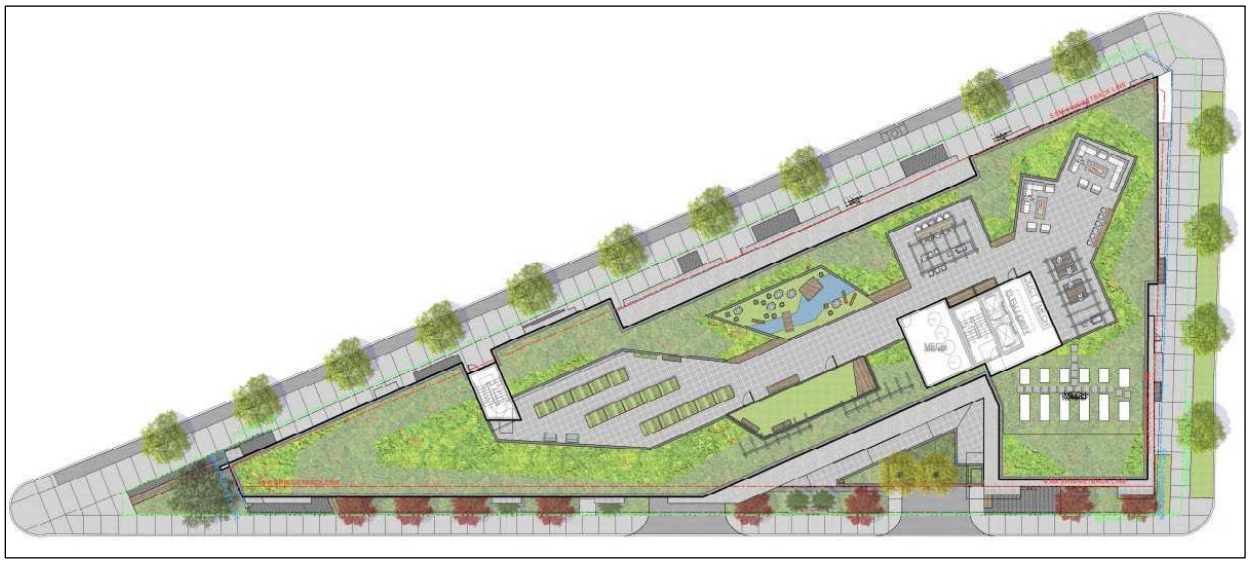
3rd to 5th Floors



6th Floor



Landscape and Roof

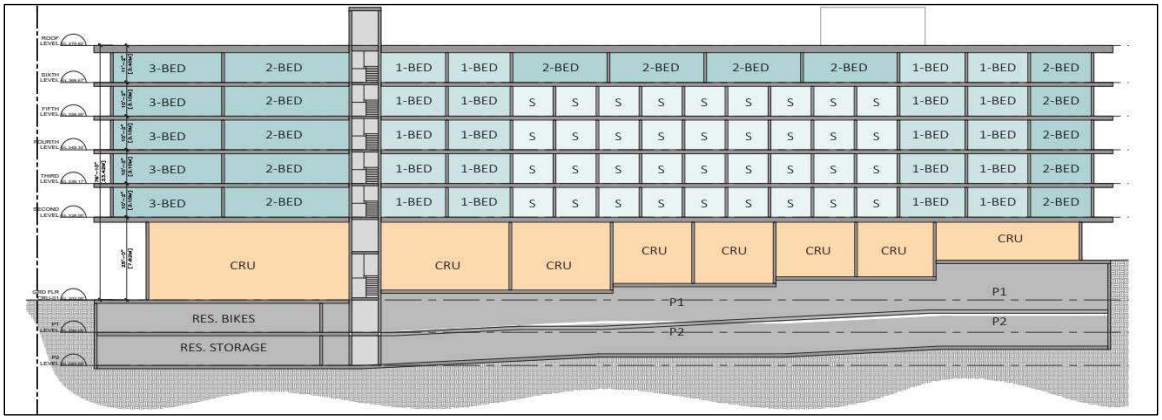


North Elevation

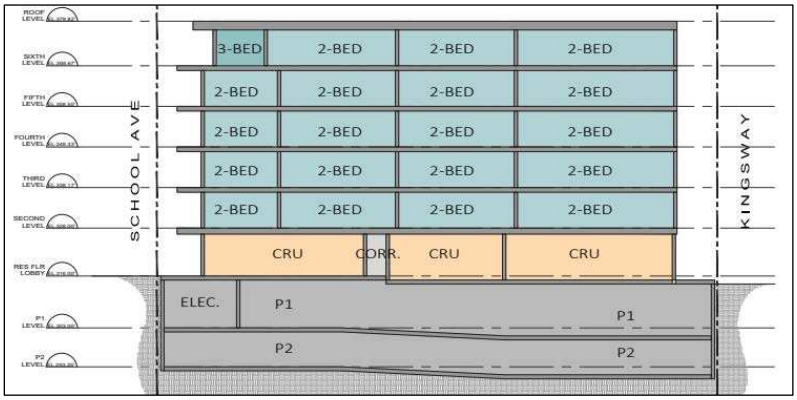
South Elevation

East Elevation

East-West Section



North-South Section



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2970 Kingsway
PUBLIC BENEFITS SUMMARY

Project Summary:

Six-storey, mixed-use building with 127 secured market rental units and commercial uses at-grade.

Public Benefit Summary:

The proposal would provide 127 secured market rental housing units through a Housing Agreement for the longer of the life of the building and 60 years. The project would also contribute a DCL payment for the commercial and residential floor area.

	Current Zoning	Proposed Zoning
Zoning District	C-2	CD-1
FSR (site area = 2,313.8 sq. m (24,905 sq. ft.))	2.50	3.96
Buildable Floor Space (sq. ft.)	62,263	98,624
Land Use	Mixed-use	Mixed-use

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL[1,2]	$1,759,441
Utilities DCL[1]	$932,462
TOTAL	**$2,691,903**

Other Benefits (non-quantified components): 127 rental housing units secured for the longer of 60 years and the life of the building.

[1] Based on by-laws in effect as at September 30, 2021; by-laws are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection, see the City's DCL Bulletin for details.

[2] The Applicant has not requested a City-wide DCL waiver for the residential floor area of the proposal; however, they will be eligible to request a DCL waiver at the development permit stage of the approval process. If the Applicant requests a DCL waiver, the project would be required to be subject to the maximum average unit sizes for "for-profit affordable rental housing" and maximum average rents by unit type for the below-market units, in accordance with the DCL By-law, as secured by an amendment to the Housing Agreement. If the DCL waiver is taken, the value of the City-wide DCL waiver on the residential floor area would be approximately $1,546,351.

* * * * *

2970 Kingsway
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Property Information

Address	Property Identifier (PID)	Legal Description
2970 Kingsway	018-703-810	LOT D BLOCK 13 DISTRICT LOT 37 PLAN LMP15755

Applicant Information

Architect	Formosis Architecture Inc.
Developer/Registered Owner	1289838 B.C. LTD. (Kerkhoff (Kingsway) Limited Partnership)

Development Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	C-2	CD-1
Site Area	2,313.8 sq. m (24,905 sq. ft.)	2,313.8 sq. m (24,905 sq. ft.)
Land Use	Mixed-use	Mixed-use
Maximum FSR	2.5	3.96
Maximum Height	13.8 m (45.3 ft.)	24.6 m (80.7 ft.)
Floor Area	5,785 sq. m (62,263 sq. ft.)	9,163 sq. m (98,624 sq. ft.)
Unit Mix	N/A	**Market Rental** Studio 36 1-Bed 46 2-Bed 39 3-Bed 6
		Total 127 units
Parking and Bicycle Spaces	As per Parking By-law	As per Parking By-law
Natural Assets	Old stream crossed the site in past. No existing on-site bylaw trees or street trees	Watercourse covenant. New on-site and street trees included in engineering conditions. Numbers and locations to be confirmed

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