



**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: June 5, 2018
Contact: Karen Hoese
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RTS No.: 12611
VanRIMS No.: 08-2000-20
Meeting Date: June 19, 2018

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 2109 West 35th Avenue

RECOMMENDATION

- A. THAT the application by b Squared Architecture Inc., on behalf of Tamanna Concept LTD, the registered owner, to rezone 2109 West 35th Avenue [*Lot 7 of Lot 3 Blk 19, DL 526, Plan 4855; PID 011-298-766*] from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 0.86 FSR and the height from 10.7 m to 11.09 m to permit the development of a three-storey residential building containing a total of 12 for-profit affordable rental units, be referred to a Public Hearing together with:
- (i) Plans prepared by b Squared Architecture Inc., received on November 9, 2017;
 - (ii) Draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - (iii) The recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT, subject to enactment of the CD-1 By-law, the Subdivision 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 Subdivision By-law at the time of enactment of the CD-1 By-law.

- C. THAT, if after Public Hearing Council approves in principle this rezoning and the Housing Agreement described in section (c) of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by this report.
- D. THAT Recommendations A through C 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 the expenditure of funds or incurring of costs is at the sole risk of the person making the expenditures 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 sole 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 a single lot located at 2109 West 35th Avenue from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a three-storey residential building with a total of 12 for-profit affordable rental units over one level of underground parking, under the *Affordable Housing Choices Interim Rezoning Policy* (the “AHC Policy”). The site is located along a TransLink Frequent Transit Network (FTN) arterial, within 500 m of the Kerrisdale local shopping area.

Staff have assessed the application and conclude that it generally meets the intent of the AHC Policy. Staff support the application, subject to design development and other conditions outlined in Appendix B. Staff recommend that the application be referred to Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to Public Hearing and to the conditions in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council Policies for this site include:

- Affordable Housing Choices Interim Rezoning Policy (2012, last amended 2016)
- Rental Incentive Guidelines (2012, last amended 2018)
- Secured Market Rental Housing Policy (Rental 100) (2012)
- Arbutus Ridge/Kerrisdale/Shoughnessy Community Vision (2005)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992)
- Housing Vancouver Strategy (2017)

- Green Buildings Policy for Rezonings (2010, last amended 2017)
- Community Amenity Contributions – Through Rezonings (1999, last amended 2018)
- Passive House Relaxations – Guidelines for Residences in RS Districts (2018)
- RS-5 Design Guidelines (1993, last amended 2004)
- Zero Emissions Building Plan (2016)
- Renewable City Strategy (2015)
- Urban Forest Strategy (2014)

REPORT

Background/Context

1. Site and Context

This 1105 sq. m (11,895 sq. ft.) site is located on the west side of Arbutus Street, north of West 35th Avenue. The site measures approximately 66 ft. deep along the 35th Avenue frontage, 129 ft. deep on the lane, and 130 ft. wide along the western property line. The site is currently vacant, and was cleared in 2016 to enable construction of a two-storey, one-family dwelling. Sites in the immediate vicinity are detached one-family dwellings zoned RS-5, with one- to four-storey commercial or mixed use buildings in the CD-1 (371) and C-2 zones marking the northern end of the Kerrisdale area, approximately 170 m to the south.

The site is served by the 16 bus route along Arbutus Street and is located within a 10 minute walk of West 41st Avenue, a future B-line route. A nearby rezoning application is currently under review to amend CD-1 (642) for 2133 Nanton Avenue (Arbutus Centre), located approximately 780 m to the north.

The Arbutus Greenway is located east of Arbutus Street in close proximity to the site, with access via West 37th Avenue, approximately 215 m to the south. The easterly 5.2 m (17 ft.) of the site is dedicated to future street widening of Arbutus Street.

Figure 1 – Site and Surrounding Zoning



2. Policy Context

Affordable Housing Choices Interim Rezoning Policy – On October 3, 2012, Council approved the *Affordable Housing Choices Interim Rezoning Policy* (AHCIRP) aimed at encouraging innovation and enabling real examples of affordable housing types. These examples would be tested for potential wider application to provide ongoing housing opportunities across the city. This policy is one component of a broad action plan that responds to the recommendations of the Mayor’s Task Force on Housing Affordability by delivering a set of actions to address the challenges of housing affordability in the City. Rezoning applications considered under this interim rezoning policy must meet a number of criteria regarding affordability, location and form of development.

Development Cost Levy By-law No. 9755 – Under Section 3.1A of the Development Cost Levy By-law, for-profit affordable rental housing projects are eligible for a development cost levy waiver for the rental portion of the development. The waiver regulates maximum unit sizes, rents by unit type, and hard construction costs for the project. Current rental rates, unit sizes and construction costs are outlined in the Rental Incentive Guidelines and are updated on an annual basis

Housing Vancouver Strategy – 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 the current 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 percent of the new units will serve households earning less than \$80,000 per year, and 40 percent will be family-size units. This application will contribute towards the targets for purpose-built market rental units and units for families.

Family Room: Housing Mix Policy for Rezoning Projects – In July 2016, Council adopted the *Family Room: Housing Mix Policy for Rezoning Projects*, which updated family unit requirements for new rezoning applications to provide a minimum 35% of total units as suitable for families. The application includes 50% three-bedrooms and 50% one-bedrooms, exceeding the *Family Room* policy unit mix. A condition of approval has been added in Appendix B to support maintaining this unit mix.

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

Arbutus Ridge/Kerrisdale/Shaugnessy (ARKS) Community Vision – In 2005, Council approved the *Arbutus Ridge/Kerrisdale/Shaugnessy (ARKS) Community Vision*, which sets direction for development in the area. The vision allows for rezoning consideration of affordable housing, including rental housing (Table 2.1 under the Rezoning Policy), with support for new housing types on or near arterial roads (16.5) and new housing near shopping areas (16.6), and some support for consideration of traditional rowhouses (15.5).

Strategic Analysis

1. Proposal

The application proposes to rezone a site located at 2109 West 35th Avenue from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District. A three-storey residential building is proposed (see Figure 2 and 3).

In total, the application proposes 12 dwelling units (six three-bedroom [50%] units and six one-bedroom [50%] units), and a building height of 11.09 m (36.38 ft.). While the application initially proposed an FSR of 0.81, after staff review the FSR was determined to be 0.86. Each of the six three-bedroom units have a private rooftop outdoor space. One level of underground parking accessed from the lane is proposed as well as one at-grade disability space, counting as two spaces, for a total of 12 vehicle parking spaces and 16 bicycle parking spaces. Further refinement to the parking has been added as form of development conditions in Appendix B.

Figure 2 – Site Plan

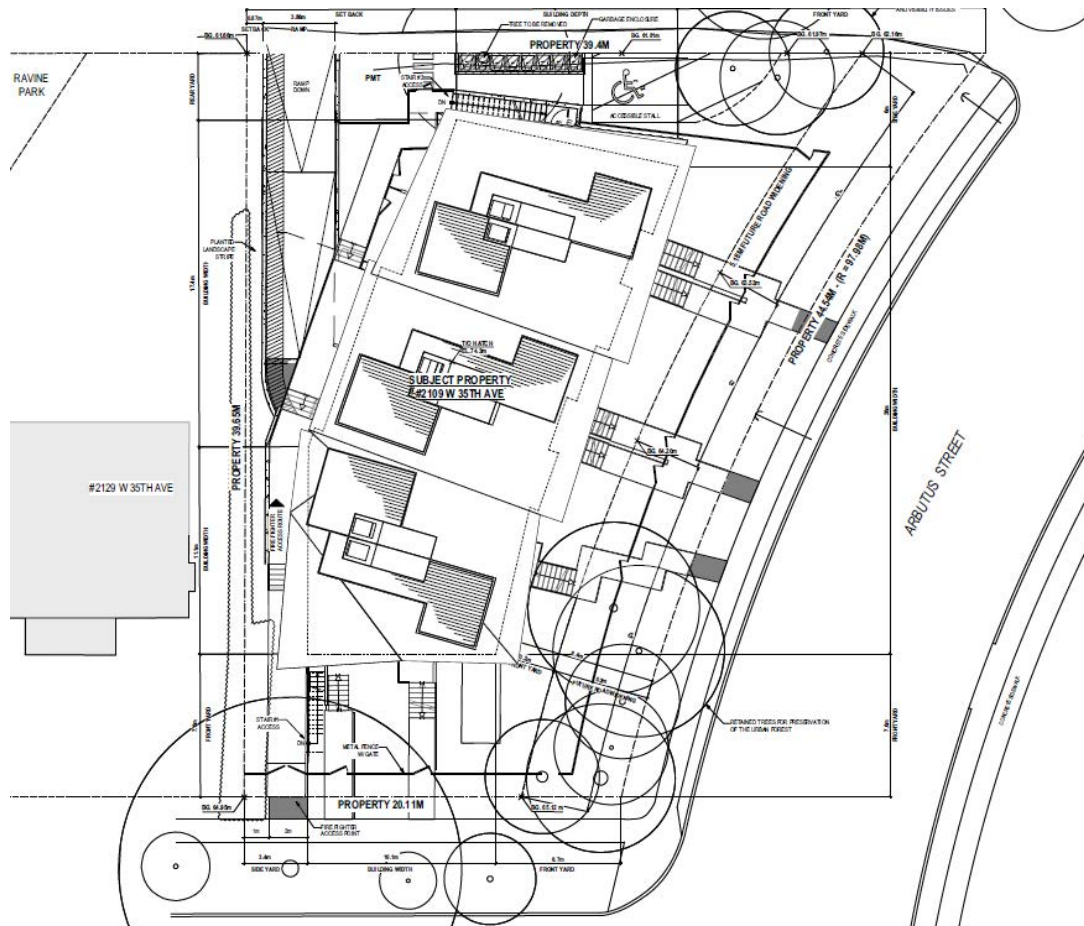


Figure 3 – Perspective view looking southeast on Arbutus Street

2. Density, Height and Form of Development (Refer to drawings in Appendix F)

The existing RS-5 (One-Family Dwelling) District Schedule and RS-5 Design Guidelines permits a single-family home of no more than 2.5 storeys, with a floor space ratio (FSR) of up to 0.70 and a height of up to 10.7 m (35.10 ft.). A height relaxation of up to 11.2 m (36.75 ft.) may be permitted under the *Passive House Relaxations – Guidelines for Residences in RS Districts*.

The *Affordable Housing Choices (AHC) Interim Rezoning Policy* provides direction for the consideration of additional height and density to support projects where 100 per cent of the residential floor space is rental, among other affordable tenures. The AHC Policy allows consideration of proposals in this location, on a TransLink Frequent Transit Network (FTN) arterial within 500 m of the Kerrisdale local shopping area, of up to six storeys, subject to urban design performance and a degree of community support.

In response to the surrounding context and RS-5 Guidelines, this rezoning application proposes a three-storey stacked townhouse form to a height of 11.09 (36.38 ft.) with a total FSR of 0.86. The building incorporates elements of the RS-5 Design Guidelines including sloping roofs, recessed front entrances, and wood cladding with contemporary detailing. The building presents three distinct masses which step down to the north in response to the grade of the site. Entries to the three-bedroom units are located along the Arbutus Street and West 35th Street frontages, while entries to the ground-floor one-bedroom units are located along the west side yard and West 35th Street frontage.

Staff have concluded that, based on the proposed built form, setbacks, massing and public benefits, a density of 0.86 FSR is appropriate on this site, subject to the design conditions noted in Appendix B. While the proposal includes a small front yard fence, hedge, and planting to be consistent with the streetscape patterns, the 5.182 m (17 ft.) dedication along the Arbutus Street frontage requires removal of any planting or hardscape elements proposed within this area, to be replaced with sod. Recognizing the character of the area, some soft planting may be considered at the development permit stage. Additional conditions of the rezoning seek

refinements to the architectural design and provision of additional landscaping to soften the massing and further integrate the development into the existing neighbourhood fabric.

3. Housing

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

Rezoning applications considered under the AHC Policy must meet a number of criteria regarding affordability, location and form of development (see AHC Policy location map in Appendix D). Affordable Housing staff have evaluated this application and determined that it meets the objectives of the AHC Policy program, including the location criteria where a development of up to six storeys with secured, for-profit affordable rental housing can be considered.

The application meets the affordability criteria of the AHC Policy by proposing 100% of the residential floor area as for-profit affordable rental housing. This proposal would deliver 12 secured for-profit affordable rental housing units in the form of 6 one-bedroom units, and 6 three-bedroom units. The *Family Room: Housing Mix Policy in Rezoning Projects* requires secured market rental projects to include a minimum of 35 per cent family units with two or more bedrooms; they must be designed in accordance with the *High-Density Housing for Families with Children Guidelines*. This application proposes 50 per cent of units with three bedrooms, thereby exceeding the minimum requirements outlined in the AHC Policy.

All units would be secured through a Housing Agreement and/or a Section 219 Covenant for the longer of the life of the building or 60 years. Covenants will be registered on title to preclude the stratification and/or separate sale of individual units.

The addition of 12 new for-profit affordable rental housing units to the City's inventory of market rental housing contributes toward the targets of the *Housing Vancouver Strategy* (see Figure 4). Conditions related to securing the units are contained in Appendix B.

Figure 4 – Progress towards 10-Year Housing Vancouver Targets for Secured Market Rental Housing as of March 31, 2018

Housing Type	10-Year Targets	Units Approved Towards Targets*
Secured Market Rental Housing Units	20,000	1,312

Note: Tracking progress towards 10-year Housing Vancouver targets began in 2017.

* Unit numbers exclude the units proposed on the subject site, pending Council approval of this rezoning application.

Vancouver has one of the lowest vacancy rates in Canada. In the fall of 2017, the vacancy rate in the city was 0.9 per cent. That means only 9 out of every 1,000 market rental units were empty and available for rent. A vacancy rate of 3 per cent is considered to be a balanced rental market. The vacancy rate in the Westside/Kerrisdale CMHC zone was higher than the City average, at 1.5 per cent.

The applicant proposes that the one-bedroom units would rent for \$1,903, and the three-bedroom would rent for \$3,702 per month. Figure 5 compares initial rents proposed for units in this application to average and estimated costs for similar units. When compared to average rents in newer buildings in the west area of Vancouver, the proposed rents are above average for the one-bedroom units and the three-bedroom units. In terms of the comparison to home ownership costs, the proposed rents in this application will provide an affordable alternative to homeownership for all unit types.

Figure 5 – Comparable Average Market Rents and Home-Ownership Costs

	2109 W 35th Avenue Average Proposed Rents	Average Market Rent in Newer Buildings - Westside (CMHC, 2017)¹	DCL By-Law Maximum Averages- Westside (CMHC, 2017)²	Monthly Costs of Ownership for Median-Priced Unit – Westside (BC Assessment 2017)³
1-bed	\$1,903	\$1,798	\$1,903	\$3,333
3-bed	\$3,702	\$3,566*	\$3,702	\$8,328

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

2. For 1- and 2-bedroom units, the maximum DCL rents for the Eastside of Vancouver are the average rents for all residential units built since the year 2005 city-wide as published by CMHC in the Fall 2017 Rental Market Report. For 3-bedroom units, the maximum DCL rents for the Eastside of Vancouver are the average rents for all residential units built since the year 2005 city-wide as published in the October 2017 CMHC Rental Market Survey Report.

3. Based on the following assumptions in 2017: median of all BC Assessment recent sales prices in Vancouver Eastside in 2017 by unit type, 10% down payment, 5% mortgage rate, 25-year amortization, \$150 – 250 monthly strata fees and monthly property taxes at \$2.56 per \$1,000 of assessed value.

* Based on City-wide average rents of new rental buildings construction since 2008.

The DCL By-law allows for starting rents to be increased annually from the time of the Public Hearing to initial occupancy, as per the maximum allowable increases under the Province's *Residential Tenancy Act*. A final rent roll that sets out the initial monthly rents for all units will be required prior to issuance of the Occupancy Permit in order to ensure compliance with the maximum increases authorized by Section 3.1B(c) of the DCL By-law. After occupancy, rent increases are regulated by the *Residential Tenancy Act*. Through the Development Permit application process, the City will ensure that average unit sizes do not exceed the maximum thresholds set out by the DCL By-law.

4. Transportation and Parking

Vehicle and bicycle parking are provided on one level of underground parking, accessed from the lane, as well as one at-grade accessible parking space. Of the initially proposed 14 parking spaces, this application proposed 11 standard spaces, one small car space, and one disability space, counting as two spaces. Further review of the drawings concluded some standard spaces were under the minimum size requirements under the Parking By-law, and determined there to be capacity for 9 standard parking spaces, for a total of 11 vehicle parking spaces. The application also proposes 16 bicycle parking spaces which would be provided in accordance with the Parking By-law. Engineering Services has reviewed the rezoning application including

the Transportation Study provided by Creative Transportation Solutions Ltd. and has no objections to the proposed rezoning provided that the applicant satisfies the rezoning conditions included in Appendix B.

5. Environmental Sustainability

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

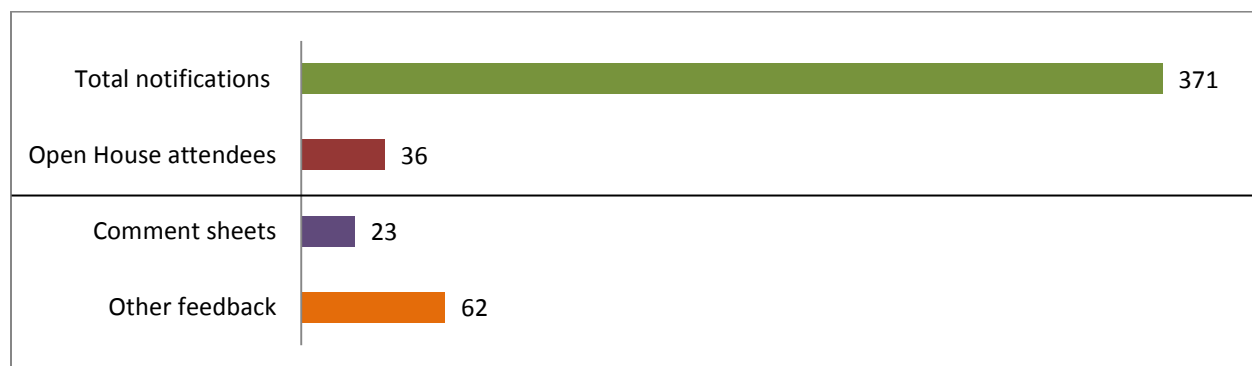
This application has opted to satisfy the updated version of the *Green Buildings Policy for Rezoning* under the near zero emissions buildings requirements, and the proposed building has opted to pursue Passive House certification. Passive House is a world-leading standard for energy efficiency in buildings, and the process of design and certification to this standard significantly advances local construction practices toward zero emissions buildings. The applicant has submitted a letter from a certified Passive House designer that the building, as designed, is capable of achieving Passive House certification.

Public Input

Public Notification – The City of Vancouver Rezoning Centre webpage included notification and application information as well as an online comment form. A rezoning information sign was also installed on the site. Approximately 371 notifications were distributed within the neighbouring area on or about February 1, 2018. A community open house was held on February 15, 2018 with staff and applicant teams. A total of approximately 36 people attended (see Figure 6).

Public Response and Comments – As of May 2018, staff received a total of 85 written responses to this rezoning application. Staff reviewed the content of the responses and estimate that approximately 50 per cent were in support of aspects of the proposal and 50 per cent were opposed to aspects of the proposal. Further detail on the public response can be found in Appendix E.

Figure 6 – Public Notification Summary



Concerns expressed about the proposal included:

- Traffic safety and congestion on the surrounding streets and lane;
- Neighbourhood fit, height, design and massing; and
- Proposed rental rates.

Support for the proposal cited the following:

- Need for more rental housing in this neighbourhood; and
- Need for more family units in the area.

Staff Response

Traffic and Transportation:

This application is located at the corner of Arbutus Street, a TransLink Frequent Transit Network arterial, and West 35th Avenue, a short street terminating approximately 22 m to the west of the site. Consistent with and in addition to recommendations provided in the Transportation Study provided by Creative Transportation Solutions Ltd. received as part of the rezoning application package, staff have included several conditions of rezoning such as providing regulatory signage to prohibit left turns out of the lane, removing existing obstructions within the lane, and other lane improvements to improve conditions for all road users. These and other conditions can be found in Appendix B of this Report.

Building Height and Form:

The AHC Policy enables for consideration of up to six storeys in height at this site, as described on page 6 of this Report. In response to the neighbourhood fit, the proposed three-storey form is no higher than the potential maximum height of 11.2 m (36.75 ft.) for a single-family building under the RS-5 zoning consistent with the *Passive House Relaxations - Guidelines for Residences in RS Districts*. Further design development conditions to improve neighbourhood fit can be found in Appendix B.

Rental Rates:

Under the AHC Policy, rental rates are capped at a maximum rate per bedroom. This application proposes rents at the 2018 West Area DCL Maximum Rents set out in the *Rental Incentive Guidelines*, of \$1,903 for one-bedroom units and \$3,702 for three-bedroom units. More detail on these rates can be found on pages 7 and 8 of this Report.

Public Benefits

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

Public Benefits – Required by By-law or Policy

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 applicant has requested a waiver of the DCL attributed to the for-profit affordable rental housing, in accordance with Section 3.1A of the Vancouver Development Cost Levy By-law. The total residential floor area eligible for the waiver is 948.63 sq. m (10,211 sq. ft.). The total DCL that would be waived is estimated to be approximately \$37,066 based on the current DCL rate of \$39.07 per sq. m (\$3.63 per sq. ft.). A review of how the application meets the waiver criteria is provided in Appendix G.

DCLs are payable at building permit issuance and are subject to an annual inflationary adjustment on September 30 of each year. When a DCL By-law with higher rates is introduced, a number of rezoning, development permit, and building permit applications may be at various

stages of the approval process. An application may qualify as an in-stream application and therefore may be exempt from DCL rate increases for a period of 12 months from the date of DCL By-law rate amendment, provided that it has been submitted prior to the adoption of such DCL By-Law rate adjustment. If a related building permit application is not issued within the 12-month period, the rate protection expires and the new DCL rate will apply. See the City's [DCL Bulletin](#) for details on DCL rate protection.

Public Art Program – The *Public Art Program for Rezoned Developments* requires that rezonings involving a floor area equal to or greater than 9,290 sq. m (100,000 sq. ft.) allocate a portion of their construction budgets to public art or provide cash in lieu as a condition of rezoning. As the proposed floor area is below the minimum threshold, no public art contribution will arise from this application.

Public Benefits – Offered by the Applicant

Rental Housing – The applicant has proposed that all 12 of the residential units will be for-profit affordable rental housing (non-stratified) units. The public benefit accruing from these units is their contribution to the City's rental housing stock for the longer of the life of the building and 60 years. Covenants would be registered on title to preclude the stratification and/or separate sale of individual units.

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

On November 29, 2017, City Council approved a CAC policy amendment that exempts CACs on routine, lower density secured market rental rezoning applications that align with the *Secured Market Rental Housing Policy* (2012) and *Rental Incentive Guidelines* (2017). Staff note that if the application was received after November 29, 2017, it would have been eligible for CAC exemption under the amended policy. This application was received prior to November 29, 2017 and is therefore not considered for CAC exemption under the amended policy.

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

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

Implications/Related Issues/Risk

FINANCIAL IMPLICATIONS

As noted in the Public Benefits section, there are no CACs or public art contributions associated with this rezoning.

The site is subject to the city-wide DCL rate at the time of application which was \$39.07 per sq. m (\$3.63 per sq. ft.). Should Council approve the rezoning application, the for-profit affordable rental housing will qualify for a DCL waiver under Section 3.1A of the Vancouver DCL By-law, which is estimated to be approximately \$37,066.

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

CONCLUSION

Staff assessment of this application to rezone the site at 2109 West 35th Avenue from RS-5 to CD-1 has concluded that the proposed form of development is an appropriate urban design response to the site and its context, and that the application, along with the recommended conditions of approval, is consistent with the intent of the *Affordable Housing Choices Interim Rezoning Policy*. If approved, this application would contribute to City-wide goals for the achievement of key affordable housing goals of the City. The proposed form of development represents an appropriate urban design response to the site and its context and is supportable.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to a Public Hearing, together with a draft CD-1 By-law generally as set out in Appendix A, and that, subject to the Public Hearing, the application including the form of development as shown in the plans in Appendix F, be approved in principle, subject to the application fulfilling the conditions of approval in Appendix B.

* * * * *

**2109 West 35th Avenue
DRAFT CD-1 BY-LAW PROVISIONS**

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

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-() attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D of By-law No. 3575.

[Note: Schedule A is not attached to this appendix; it is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to public hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 ().
- 2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Multiple Dwelling;
 - (b) Retail Uses, limited to Public Bike Share; and
 - (c) Accessory uses customarily ancillary to the uses permitted in this section.

Conditions of use

3. The design and layout of at least 35% of the dwelling units must:
 - (a) be suitable for family housing;
 - (b) include two or more bedrooms; and
 - (c) comply with Council's "High-Density Housing for Families with Children Guidelines".

Floor area and density

- 4.1 Computation of floor space ratio must assume that the site area is 1105 m², being the site area at the time of the application for the rezoning evidenced by this By-law, and before any dedications.
- 4.2 The floor space ratio for all uses must not exceed 0.86.
- 4.3 Computation of floor area must include all floors, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.
- 4.4 Computation of floor area must exclude:
- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof gardens, provided that 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, which are at or below base surface, except that the maximum 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 the residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 4.5 Computation of floor area may exclude amenity areas, except that the total exclusion for amenity areas must not exceed 10% of the permitted floor area.
- 4.6 The use of floor area excluded under sections 4.4 and 4.5 must not include any use other than that which justified the exclusion.

Building height

5. Building height, measured from base surface, must not exceed 11.09 m.

Horizontal angle of daylight

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

- 6.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.
- 6.4 The Director of Planning or Development permit Board may relax the horizontal angle of daylight requirement if:
- (a) the Director of Planning or Development Permit Board first considers all of the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m.
- 6.5 An obstruction referenced to in section 6.2 does not include:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 ().
- 6.6 A habitable room referred to in section 6.1 does not include:
- (b) a bathroom; or
 - (c) 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

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

* * * * *

**2109 West 35th Avenue
PROPOSED CONDITIONS OF APPROVAL**

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for Public Hearing.

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by b Squared Architecture Inc., on behalf of Tamanna Concept LTD, and stamped "Received Planning & Development Services (Rezoning Centre), November 9, 2017", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application of by the Director of Planning, who shall have particular regard to the following:

Urban Design

- 1. Design development to incorporate parkade exit stairs inside the building massing.

Note to Applicant: This condition may result in reduction in floor space, and may be achieved by moving the northern stair east, shifting the parkade wall to the setback line, and reconfiguring the south stairs within the southwest corner at parking stall #1.

- 2. Design development to retain existing mature trees around building, including those located within the road widening dedication.

Note to Applicant: Setbacks may need to be adjusted. Existing City street trees must not be compromised by exit stairs and surface parking.

- 3. Design development to improve functionality of site servicing at the lane, as follows:

- (i) Relocate disability parking stall;
- (ii) Relocate Pad Mounted Transformer (PMT);
- (iii) Enclose recycling and garbage and access from inside the site; and
- (iv) Incorporate hard and soft landscaping to give a better sense of entry.

Note to Applicant: This could be achieved by relocating the surface parking adjacent to the walkway and treating this as a courtyard space with special paving, adjacent to a screened and enclosed garbage area immediately east, and shifting the PMT furthest east away from view.

4. Design Development of site grading and configuration of entry stairs along east facade to better relate to the streetscape.

Note to Applicant: This may be achieved by terracing, stepped landscaping, enclosing stair bases, incorporating landings, turning some taller stairs parallel to the building face, partially separating grouped stairs, as well as relocating entries and lower level windows if necessary.

5. Consideration to improve expression and neighbourliness as per RS-5 Guidelines, as follows:

- (i) Further study of materials, colour, character and detailing;
- (ii) Address roof deck overview of neighbour; and
- (iii) Resolve retaining wall treatment.

Note to Applicant: Consider using a darker base, lighter walls above, thinner fascia profiles, higher quality cladding materials including wood trims, and other means to reinforce residential character. Consider shifting rooftop patios east to lessen overview of adjacent residence, especially units #10 and #11. Consider special treatment for large exposed concrete retaining walls along vehicular ramp and around site.

Crime Prevention through Environmental Design (CPTED)

6. Design development to consider the principles of CPTED, having particular regard for:

- (i) Theft in the underground parking;
- (ii) Residential break and enter;
- (iii) Mail theft; and
- (iv) Mischief in alcoves and vandalism, such as graffiti.

Landscape Design

7. Design development to the front yard public-private realm treatment to be pedestrian friendly and visually open.
8. Provision of the following in regard to the tree retention strategy (applicable to trees #72-74, 59-64, offsite trees # A, B, C):

- (i) An addendum arborist report that confirms the arborist has reviewed and concurs with the most recent architectural and landscape drawings in terms of what was understood to be reasonable design measures within known site conditions and acceptable tolerances to impacts. Any above or below grade design conflicts must be brought to the attention of the City and the applicant at earliest convenience may be subject to further design development. Provide specific recommendations that inform private and public realm landscape design and methods for tree retention. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements;

- (ii) Landscape Plan revisions to be informed by the revised arborist report with specific recommendations for optimal tree retention;
- (iii) Reductions in the amount of re-landscape activity proposed within the dripline of trees;

Note to Applicant: All site disturbance associated with soft and hardscaping in proximity to the trees should be relocated outside the radial dripline, to the greatest extent practicable. There should be none or very limited soil disturbance proposed in the driplines and a band of bark mulch of at least 3x diameter of each tree trunk. Further comments may be outstanding at time of development permit review.

- (iv) Further coordination with City staff and the project arborist at the development permit stage to protect tree roots associated with public realm improvements;

Note to Applicant: This will require further attention by the landscape architect and project arborist to anticipate and reduce unnecessary root disturbances, wherever possible. Retention of the existing public sidewalk/boulevard in the critical root zone may be necessary. Coordination will be needed with City staff, design team and project arborist for the final public realm landscape design submitted for development permit and construction phase.

- (v) Accurate illustrations, notations, dimensions on the appropriate plans and sections (engineer, architectural and landscape) to show all proposed utility locations, limit of excavation, grading and re-landscaping in any tree protection zones. Further comments may be forthcoming to mitigate impacts, such as utility relocations, for example;
- (vi) 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. The landscape architectural tree management plan provides useful information with regard to important cross sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architects version should change its title label to differentiate it from the arborist tree plan.

- (vii) 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.

9. Refinements to the Landscape Plan, as follows:
- (i) Provision of additional new trees on private property to the perimeter of the building;
 - (ii) Extension of the front yard foundation planting to the future road dedication line;
 - (iii) Provision of maximized tree growing medium (topsoil) and planting depths for tree and shrub planters to ensure long term viability of the landscape;
 - (iv) Explore drought tolerant landscape plantings that will reduce or negate the need for irrigation (Note: the landscape planting environment benefits from access to natural continuous soils and water table. Every effort should be made to minimize irrigation requirements or limit to a 2 year establishment period).

10. Provision of a detailed Landscape Plan.

Note to Applicant: The Landscape Plan should include the project site and the public realm to the street curb and a minimum 1:100 or 1/8" scale. Illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), and hardscaping such as paving, walls, railings, light fixtures, site grading and vertical structures. Plants listed in a Plant List should be clearly keyed to the Landscape Plan.

11. Provision of a detailed grading plan.

12. Provision of sections (1/4"=1' or 1:50) illustrating the buildings to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the section.

13. Provision of new street trees adjacent to the development site, where applicable.

Note to Applicant: this is a standard condition. Coordinate further with Engineering staff. New street trees to be shown on the development permit plans and confirmed prior to the issuance of the building permit. Contact Eileen Curran, Streets Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches in. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

14. Clarification of any irrigation requirements for all planted areas.

Note to Applicant: where irrigation is proposed, provide a partial irrigation plan showing hose bibs, stub-out locations and

15. Provision of a Landscape Lighting Plan.

Note to Applicant: Lighting details can be added to the landscape drawings. All existing light poles should be shown.

Engineering Services

16. 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.

17. 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.

18. 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.

19. Clarify garbage storage and pick-up space. Please show containers and totes on plans for recycling and garbage needs and refer to the Engineering garbage and recycling storage facility design supplement for recommended dimensions and quantities of bins.

Note to Applicant: Pick up operations should not rely on bins being stored on the street or lane for pick-up. Bins are to be returned to storage areas immediately after emptying.

20. A review of the existing street tree locations and scale/size of tree to determine if the proposed building location will have a negative impact on retention of the trees and a review to determine a construction methodology that will ensure the protection of the trees and tree canopies during the construction period and post occupancy

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

Note to Applicant: Please update the Landscape and/or Site Plan to reflect the public realm changes including all of the off-site improvements sought for this rezoning, where a design or detail is not available please make note of the improvement on the Site and/or Landscape Plans. Please submit a copy of the updated plan to engineering for review.

Note to Applicant: Add note to Landscape Plans “Installation of parking regulatory signage on Arbutus Street, the lane, and 35th Avenue adjacent the site to the satisfaction of the General Manager of Engineering Services”.

22. Compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services as follows:
- (i) Provision of column sizes, and column setback dimensions to be shown on the drawings.
 - (ii) Provision of additional dimensions on the section drawings showing vertical clearance within the parking levels. Ensure adequate vertical clearance is provided for mechanical projections, utilities and other services.
 - (iii) Provision of design elevations on both sides of the parking ramp at all breakpoints and at all entrances.
 - (iv) Design development to improve access and maneuverability from the parking ramp leading into the parkade. Clarify operation of ramp entry, additional width may be required. Provide turning tracks with DP submission.
 - (v) Provision of a warning system for the single ramp – a qualified transportation engineer must provide details on the system and locations of all lights, signs and detection devices on the plans.
 - (vi) Parking space number 10 requires adjustment so that the entire space is adjacent the maneuvering aisle.
 - (vii) Provision of additional information showing the access route for the accessible space number 13 at grade.
 - (viii) Additional design elevations are required to confirm the slope and cross-fall within the parking levels do not exceed the requirements. Slope and cross-fall to be shown on the drawings.

- (ix) Dimension the size of the bicycle spaces in the bike room.
- (x) Provision of automatic door openers on the doors providing access to the bicycle room and note on drawings.
- (xi) Provision of a plan showing the access route from the Class A bicycle spaces to reach the outside.

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

Note to Applicant: Refer to the Parking and Loading Design Guidelines at the following link:
<http://vancouver.ca/home-property-development/parking-policies-guidelines.aspx>

Sustainability

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

Note to Applicant: The applicant will be required to demonstrate 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 *Green Buildings Policy for Rezoning – Process and Requirements* (amended April 28, 2017 or later) bulletin.

Housing

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

CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the Approving Officer, as necessary, and at the sole cost and expense of the owner, make arrangements for the following:

Engineering Services

- 1. Dedication of the easterly 5.182 m (17 ft.) of the site (the building line area) for road purposes. Deletion of all encroachments shown to extend over the

dedication line including the proposed walls, fences, gates and gate swings, landscape, etc.

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>. Further, note some low planting may be considered and should be reflected in the Landscape Plan provided at the development permit stage.

2. Arrangements should be made for release of the secondary suite covenant (CA5171423) registered as a condition of DB452341 in 2016 for an earlier proposal by the same owner.
3. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the “services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services is provided.
 - (i) Provision of adequate water service to meet the fire flow demands of the project. Based on an estimate of the development’s water demands, the water system is inadequate to service the development. The following upgrade is required:
 - a. Upgrade approximately 140 m of water main on Arbutus Street, from 34th Avenue to 35th Avenue.
 - b. Supply project details including confirmed average day domestic water demands, peak hour domestic water demands, and fire flow calculations based on the Fire Underwriter’s Survey’s document, Water Supply for Public Fire Protection to confirm the water system analysis. Once confirmed fire flows are submitted, the City will re-evaluate this condition to confirm whether it still applies.
 - (ii) Upgrade approximately 37 m of existing combined sewer to 250 mm storm sewer main and 200 mm sanitary sewer main in the lane north of West 35th Avenue from the proposed development to the 600 mm diameter combined sewer in Ravine Park.
 - a. The lengths and diameters of these improvements are approximate and subject to detailed design by the developer’s engineer.
 - b. The developer’s engineer is to submit a design brief, calculations and/or model, and design drawings to the City. Submittals to be reviewed and accepted by the City Engineer.
 - c. Development to be serviced to the proposed 250 mm STM and 200 mm SAN sewers in the lane north of West 35th Avenue.

- d. The post development flow rate discharged to the sewer shall be no greater than the pre-development flow rate discharged to the sewer, using the 5 year storm event. The pre-development estimate shall utilize the 2014 IDF curve, whereas the post development estimate shall utilize the 2100 IDF curve to account for climate change.
 - (iii) 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: as-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
 - (iv) Provision of curb ramps at the northwest corner of Arbutus Street and 35th Avenue.
 - (v) Provision of measures to restrict left turns out of the lane onto Arbutus Street.
 - (vi) Provision of a new 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk and a 1.83 m (6 ft.) sod grass front boulevard on Arbutus Street adjacent the site including curb ramps. Note that the front boulevard width may need to be adjusted at the southern end of the site if all the existing trees are retained.
 - (vii) Provision of a new 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on West 35th Avenue and retention of the existing front boulevard width adjacent the site.
 - (viii) Provision of lane re-paving and removal of obstructions within the lane and at the lane entrance to facilitate safe access to and from Arbutus Street.
 - (ix) Provision of a standard concrete lane crossing including new curb returns on both sides of the lane.
 - (x) Provision of upgraded street lighting adjacent to the site to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
4. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.

In addition, there will be no reliance on secondary voltage from the existing overhead electrical network on the street right-of-way. Any alterations to the existing overhead/underground utility network to accommodate this development will require approval by the Utilities Management Branch.

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

Housing

5. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement securing all residential units as market rental housing units for the longer of 60 years or the life of the building, subject to the following additional conditions:

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

Unit Type	2109 West 35th Avenue Proposed Average Starting Rents
1-bedroom	\$1,903
3-bedroom	\$3,702

- (vi) That a final rent roll be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Arts, Culture and Community Services and the Director of Legal Services, that reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases authorized by the Vancouver Development Cost Levy By-law; and

- (vii) Such other terms and conditions as the General Manager of Community Services and the Director of Legal Services may in their sole discretion require.

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

Environmental Contamination

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

Note 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.

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2109 West 35th Avenue
DRAFT CONSEQUENTIAL AMENDMENT

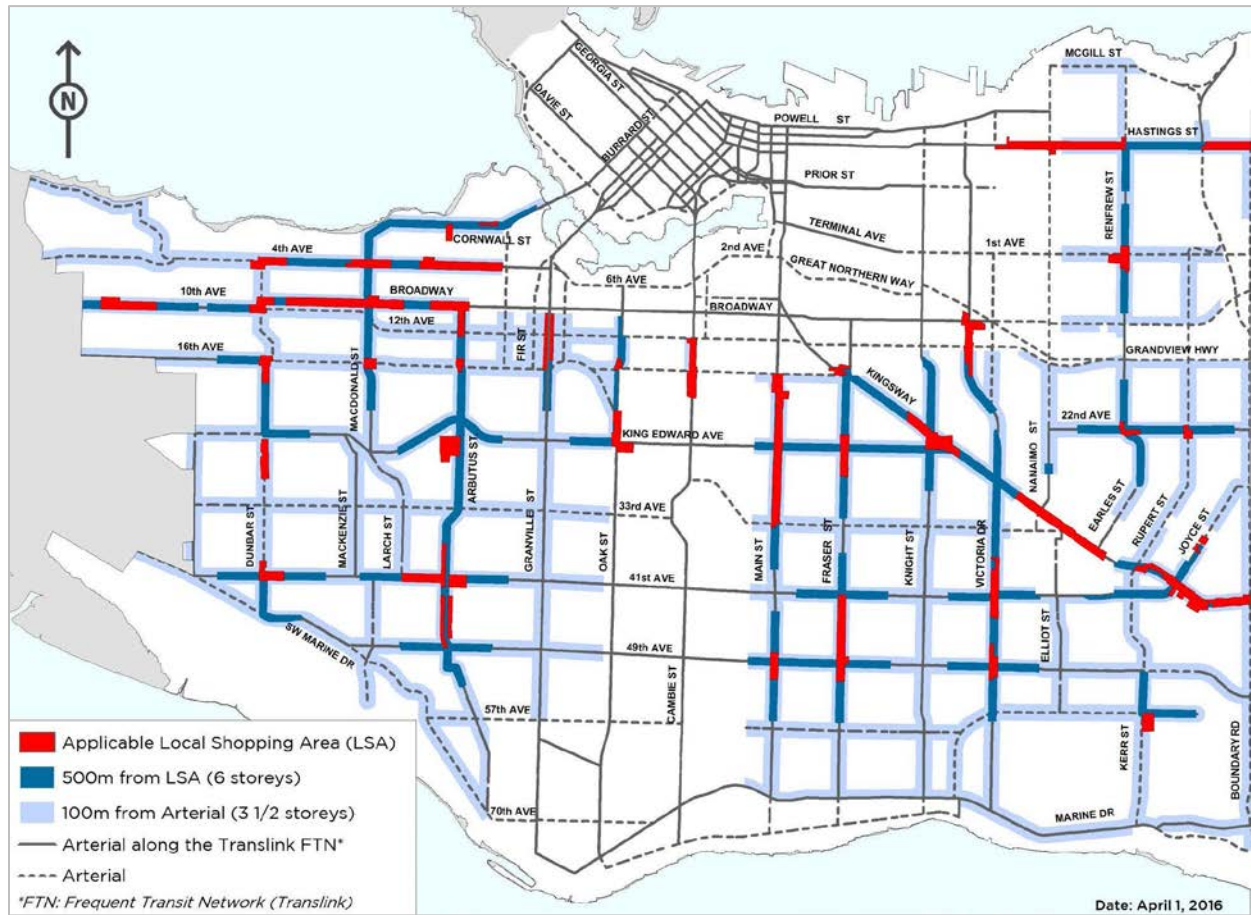
DRAFT AMENDMENT TO THE SUBDIVISION BY-LAW NO. 5208

A consequential amendment is required to delete Lot 7 of Lot 3 Blk 19, DL 526, Plan 4855; PID 011-298-766 from the RS-5 maps forming part of Schedule A of the Subdivision By-law.

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2109 West 35th Avenue ADDITIONAL INFORMATION

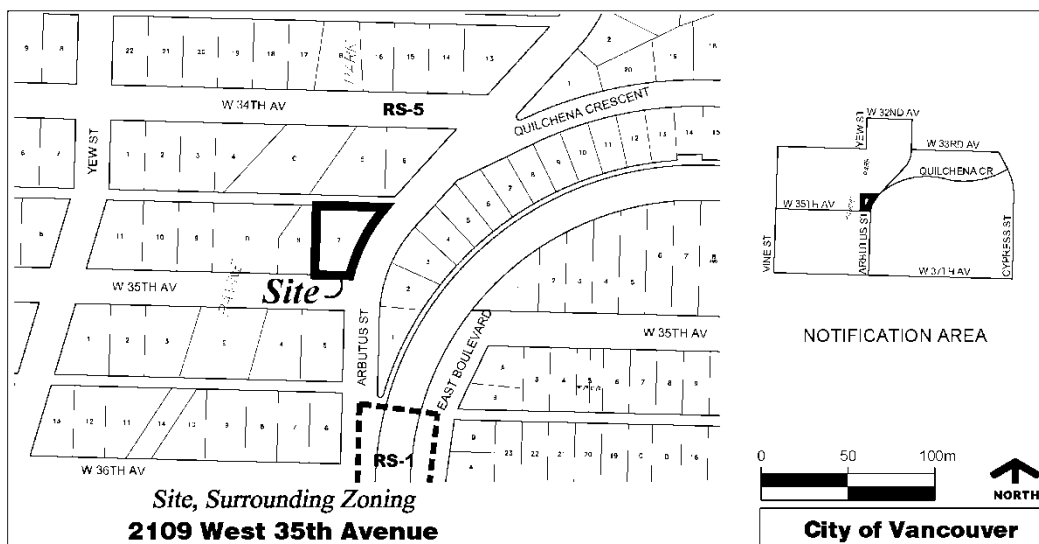
1. Affordable Housing Choices Interim Rezoning Policy: Location Map



2109 West 35th Avenue PUBLIC CONSULTATION SUMMARY

Public Notification

A rezoning information sign was installed on the site on January 5, 2018. A community open house was held on February 15, 2018. Approximately 371 notifications were distributed within the neighbouring area on or about February 1, 2018. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).



[Notification Boundary Map]





February 15, 2018 Community Open House

A community open house was held from 5:00-8:00 pm on February 15, 2018, at St. Mary's Kerrisdale, 2490 West 37th Avenue. Staff, the applicant team, and a total of approximately 36 people attended the open house.

Public Response

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

- In response to the February 15, 2018 open house, a total of 23 comment sheets were received from the public.
- In addition, a total of 62 letters, e-mails, online comment forms, and other written feedback were received from the public.

Total notifications		371
Open House attendees		36
Comment sheets		23
Other feedback		62

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

- *General Support:* A number of respondents expressed a high level of support for the proposal including the proposed rental tenure, unit mix, building design, and location.
- *General Opposition:* A number of respondents expressed opposition to the proposal including the proposed location, built form and design, and site access.
- *Traffic Congestion:* Respondents demonstrated concern that the proposal would lead to an increase in traffic and parked cars in the high-traffic area, resulting in traffic congestion, and site entrance and exit accessibility issues.
- *Traffic Safety:* Many respondents expressed concern regarding current traffic and pedestrian safety near the proposal's location, due to the street slope, "S" curve on Arbutus Street, and high-speed traffic nearby.
- *Housing Affordability:* Many respondents expressed support for more projects of this kind in the neighbourhood, citing the need for purpose-built rental and family-oriented housing on and off transit lines. In contrast, some respondents expressed concern that the proposal's market rental rates will not sufficiently provide affordable housing options in the neighbourhood, and that maintaining affordable rental rates will be unsustainable over time.
- *Architectural Design and Neighbourhood Fit:* Respondents demonstrated concern that the proposal's built form and design do not fit within the surrounding neighbourhood, *Arbutus Ridge/Kerrisdale/Shaghnessy Community Vision*, and neighbourhood guidelines, including the choice of exterior materials, the flat roof design and building entrance design.
- *Density Increase:* Respondents demonstrated support to increase the proposal's density and number of units, citing the need for more housing in the area. Respondents also expressed concern that the local neighbourhood does not have the infrastructure, services and public spaces to support the proposed building density.
- *Tenant Access:* Respondents communicated concern for tenants' ability to enter and exit the building, particularly for seniors and persons with disabilities and mobility needs, noting the lack of an accessible elevator, and concern for convenient access to nearby transit routes and bike routes, including the Arbutus Greenway.

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East Elevation (Arbutus Street)



West Elevation (adjacent property)



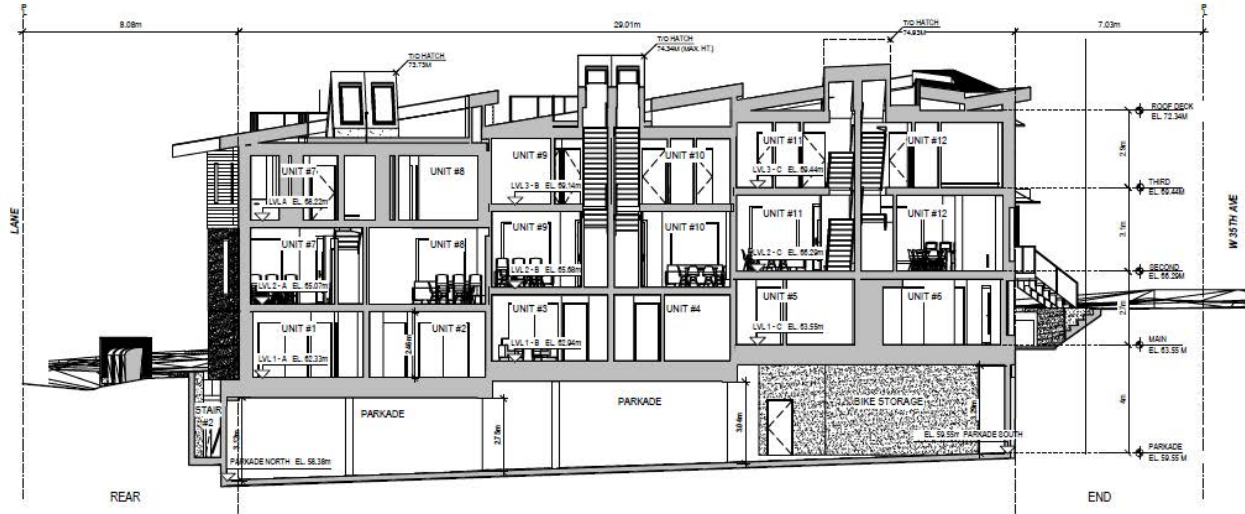
North Elevation (lane)



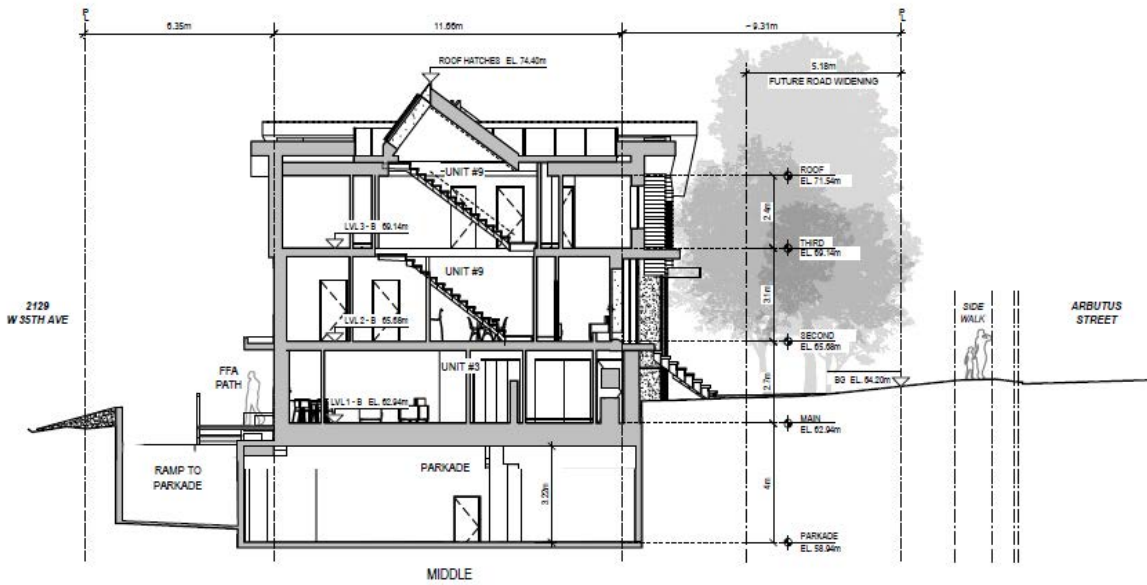
South Elevation (West 35th Avenue)



Longitudinal Section (looking east)



Cross Section (looking north)



Perspective view looking southeast from Arbutus Street at the lane



Perspective view looking southeast from Arbutus Street at the lane



Perspective view looking northeast from 35th Avenue



Perspective view looking southwest from the lane



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**2109 West 35th Avenue
DEVELOPMENT COST LEVY WAIVER ANALYSIS**

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

- (a) All dwelling units proposed in the building will be secured as rental through the Housing Agreement called for under rezoning condition (c) 5 in Appendix B.
- (b) None of the proposed dwelling units will be strata units, as required through the Housing Agreement.
- (c) The average size of the proposed dwelling units will not be greater than specified in the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit size	Proposed average unit size
1-bedroom	6	56 m ² (600 sq. ft.)	51.5 m ² (554 sq. ft.)
3-bedroom	6	97 m ² (1,044 sq.ft.)	96.8 m ² (1,042 sq. ft.)

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

Unit Type	No. units proposed	DCL By-law maximum average unit rent*	Proposed average unit rent*
1-bedroom	6	\$1,730/ \$1,903	\$1,903
3-bedroom	6	\$3,365/ \$3,702	\$3,702

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

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

DCL By-law maximum construction cost	Proposed construction cost
\$3,391 per m ² (\$315 per sq. ft.)	\$3,391 per m ² (\$315 per sq. ft.)

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

* * * * *

**2109 West 35th Avenue
PUBLIC BENEFITS SUMMARY**

Project Summary:

Three and a half-storey residential building, containing 12 for-profit affordable rental units.

Public Benefit Summary:

The proposal would provide 12 dwelling units secured as for-profit affordable rental housing for the life of the building or 60 years, whichever is longer.

	Current Zoning	Proposed Zoning
Zoning District	RS-5	CD-1
FSR (site area = 1105 sq. m / 11,895 sq. ft.)	0.70	0.86
Floor Area (sq. m)	773.50	948.63
Land Use	Single family residential	Multiple family residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)	\$30,223	N/A
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage Conservation Reserve		
	Affordable Housing		
	Parks and Public Spaces		
	Social/Community Facilities		
	Unallocated		
Other			
TOTAL VALUE OF PUBLIC BENEFITS		\$30,233	N/A

Other Benefits (non-quantified components):

12 units of market rental housing secured for the longer of 60 years or the life of the building.

* DCLs, Public Art and Social Housing may have exemptions and/or minimum thresholds for qualification. For the City-wide DCL, revenues are allocated into the following public benefit categories: Replacement Housing (36%); Transportation (25%), Parks (18%); Childcare (13%); and Utilities (8%).

**2109 West 35th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Applicant and Property Information

Address	2109 West 35th Avenue
Legal Descriptions	Lot 7 of Lot 3 Blk 19, DL 526, Plan 4855; PID 011-298-766
Applicant/Architect	b Squared Architecture Inc.
Developer/Owner	Tamanna Concept LTD

Development Statistics

	Permitted Under Existing Zoning	Proposed		
Zoning	RS-5	CD-1		
Site Area	1105 sq. m (11,895 sq. ft.)	1105 sq. m (11,895 sq. ft.)		
Land Use	Residential	Residential		
Maximum FSR	0.70	0.86		
Maximum Height	10.7 m (35.10 ft.)	11.09 m (36.38 ft.)		
Floor Area	773.5 sq. m (8,326 sq. ft.)	948.63 sq. m (10,210.97 sq. ft.)		
Parking and Loading Spaces	Per Parking By-law	Standard	9	
		Small car	1	
		Disability	1 (counts as 2)	
Bicycle Spaces	Per Parking By-law	Class A	16	
Residential Units	Single-family	1		
	Secondary suite	1	1-bedroom	6
	Laneway suite	1	3-bedroom	6

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