



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: April 3, 2018
Contact: Susan Haid
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RTS No.: 12453
VanRIMS No.: 08-2000-20
Meeting Date: April 17, 2018

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 8599 Oak Street

RECOMMENDATION

A. THAT the application by NORR Architects Planners Inc. on behalf of Maiway Investment Ltd., the registered owner, to rezone 8599 Oak Street [*Lots 15 and 16, except the east 7 feet now road, of Lot 33, Block B, District Lots 319, 323 and 324, Plan 1685; PIDs:014-424-223 and 014-424-231 respectively*] from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.35 to 2.5 and to increase the height from 10.7 m (35 ft.) to 20.0 m (66 ft.), to permit the development of a six-storey residential building, containing a total of 36 for-profit affordable rental housing units, be referred to a public hearing together with:

- (i) plans prepared by NORR Architects Planners Inc., received December 12, 2017;
- (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
- (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions contained in Appendix B;

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

B. THAT, if after public hearing, Council approves in principle 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 property owner and their mortgagee(s) and prior to enactment of the CD-1 Bylaw contemplated by this report.

- C. THAT Recommendations A and B be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the 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 the site at 8599 Oak Street from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building containing a total of 36 for-profit affordable rental housing units.

The site is located within the Oak neighbourhood of the *Marpole Community Plan* area. Currently, the site accommodates a three-storey rental apartment building with 13 units, constructed in 1957. The *Marpole Community Plan* contains housing policy that allows for the renewal of existing market rental buildings at a controlled pace, for 100 per cent rental developments in identified locations. If approved, this rezoning would replace the existing market rental building on site, and increase the number of rental dwelling units from 13 to 36. This report includes details on the proposed replacement housing and tenant relocation plan for the existing residents. The application also seeks other incentives available for "For-Profit Affordable Rental Housing", including a waiver of the Development Cost Levy (DCL).

Staff have assessed the application and conclude that it generally meets the intent of the *Marpole Community Plan*. The application is also consistent with the Vancouver Development Cost Levy By-Law (the "DCL By-law") definition of "For-Profit Affordable Rental Housing" as well as with the definition of "Secured Market Rental Housing" for which DCLs may be waived.

If approved, the application would contribute 23 additional secured for-profit affordable rental housing units to the City's affordable housing goals as identified in the *Housing Vancouver Strategy*. 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 the public hearing, and subject to the conditions in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this site include:

- Marpole Community Plan (2014, last amended 2017)
- Rental Incentive Guidelines (2012, last amended 2018)
- Rental Housing Stock Official Development Plan (2007)
- Tenant Relocation and Protection Policy (2015)
- Tenant Relocation and Protection Guidelines (2015)
- Housing Vancouver Strategy 2018-2027 (2017)
- Housing and Homelessness Strategy 2012-2021 (2011)
- Family Room: Housing Mix Policy for Rezoning (2016)
- High-Density Housing for Families with Children Guidelines (1992)
- Community Amenity Contributions - Through Rezoning (1999, last amended 2017)
- Green Buildings Policy for Rezoning (2010, last amended 2017)
- Renewable City Strategy (2014)
- Urban Forest Strategy (2014)
- RM-3A District Schedule (last amended 2017)

REPORT

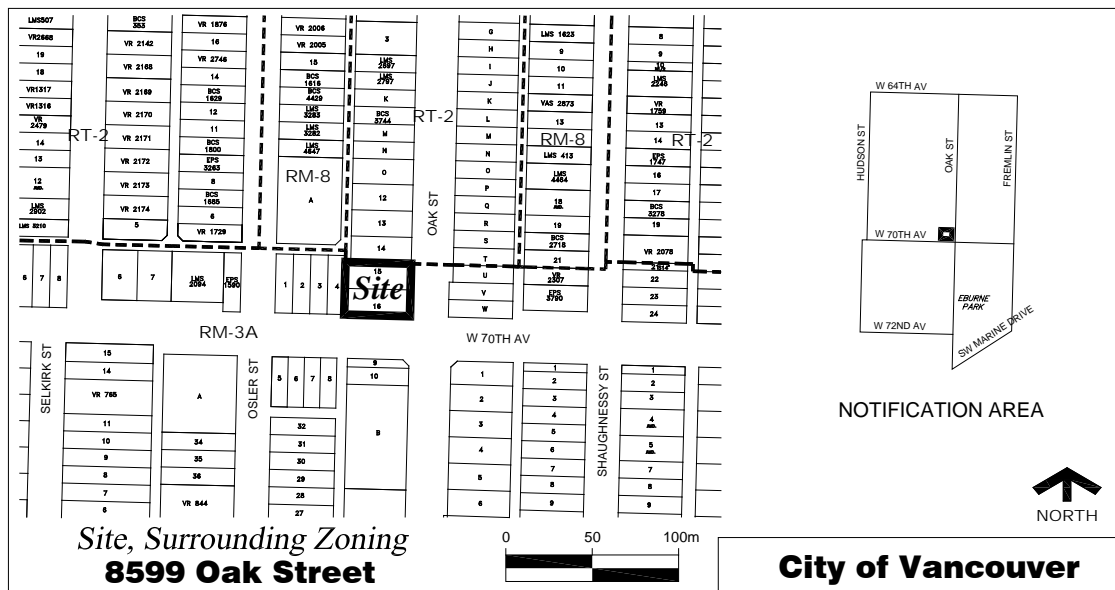
Background/Context

1. Site and Context

This 1,157.6 sq. m (12,460 sq. ft.) site is located at the northwest corner of Oak Street and 70th Avenue in Marpole (see Figure 1). The site is comprised of two lots, with a frontage of approximately 30.5 m (100 ft.) along Oak Street and 38 m (125 ft.) along 70th Avenue. A Building Line along 70th Avenue results in a 5.2 m (17 ft.) dedication on the site, which will ultimately be used for an enhanced public realm. There is also a 3.5 m x 3.5 m (11.5 ft. x 11.5 ft.) corner cut along Oak Street and 70th Avenue, and a 1.5 m (5 ft.) Sewer Easement along the north property line.

Currently, the site is developed with a three-storey residential building containing 13 rental units, built in 1957. This site is located at the north end of Marpole's 'rental housing area'. The surrounding sites to the west, south and east are zoned RM-3A, consisting primarily of low-rise rental apartment buildings. North of the site along Oak Street, sites are zoned RT-2 and are developed with detached housing. Northwest of the site, along the lane, sites are zoned RM-8, which allows for townhouses. The site is located on the corner of two major east-west and north-south arterials (Oak Street and 70th Avenue), with local bus service along Oak Street, 71st Avenue and SW Marine Drive. Canada Line's Marine Gateway Station is approximately a 10-15 minute walk from the site. Two recently approved rezoning applications are located to the north of the site, at 8378-8432 Oak Street and at 8242 Oak Street, which propose a six-storey residential development and an eight-storey mixed-use building, respectively. Both are market residential developments proposed under the *Marpole Community Plan*.

Figure 1 - Site and Surrounding Zoning



2. Policy Context

Marpole Community Plan - In 2014, Council adopted the *Marpole Community Plan* (the "Plan"). Subsequent to a comprehensive planning process, the Plan identified land uses, density limits, building heights, and building forms for sites within Marpole.

Section 6 of the Plan (Places) provides direction for the development of neighbourhood character, density, land use, and form of development. The subject site is within the Oak neighbourhood and subsection 6.3.2 of the Plan allows for consideration of 100 per cent rental residential development in existing RM zones, up to six storeys in height. The maximum density is 2.50 FSR.

Section 7 of the Plan (Built Form Guidelines) includes guidelines for the form of development and public realm. Setbacks of minimum 2.4 m (8 ft.) are expected above four-storeys in accordance with Policy 7.2.11. For the public realm, the intent is to provide a generous and comfortable space for pedestrians. On Oak Street and on 70th Avenue, setbacks of 7.9 m (26 ft.) from back of curb to building face are sought for public realm improvements. A double row of trees are required in the front-yard setback, one row on private property and the second on public property (Policy 7.2.2 and 7.2.3).

Section 8 of the Plan (Housing) offers direction around providing a diversity of housing options with a range of affordability in the neighbourhood. While the Plan seeks to encourage retention and re-investment of the neighbourhood's affordable rental housing stock, it also recognizes that many of these rental buildings will reach the end of their lifespan over the Plan's 30-year timeline and will need to be replaced. Thus, the Plan offers policy that allows for the renewal - and expansion - of existing market rental buildings at a controlled pace. In the Marpole RM-3A area, rezonings in accordance with the Plan allow for consideration of 100 per cent rental developments in identified locations, including 70th Avenue. In all cases

where tenants are displaced as a result of demolition or renovations, a tenant relocation plan, as outlined in the *Tenant Relocation and Protection Policy*, will be required.

Rental Housing Stock Official Development Plan and Rate of Change Guidelines - In May 2007, Council updated the *Rental Housing Stock Official Development Plan* (ODP). The ODP preserves existing rental housing by requiring one-for-one replacement of existing rental housing units on redevelopments where six or more units are being proposed, in certain RM, FM, and CD-1 zoning districts. As the site is currently zoned RM-3A, the rental replacement requirements under the ODP apply to this application. As such, the applicant is replacing the existing 13 units and adding 23 units for a total of 36 units.

Tenant Relocation and Protection Policy - In December 2015, Council approved the *Tenant Relocation and Protection Policy*. The policies are intended to protect tenants by mitigating the impacts of displacement resulting from redevelopment activity, while recognizing that some renewal is necessary to maintain the health of the overall rental stock.

A Tenant Relocation Plan or Tenant Impact Statement is required when tenants are displaced or impacted as a result of redevelopment or major renovation activity. At a minimum, these terms include two months free rent, moving expenses, help finding and relocating the existing tenants to another form of rental housing, and first right of refusal back into the replacement housing with 20 per cent discount off starting rents, as specified under the policy. The applicant has agreed to work with each eligible tenant who wants assistance to develop a relocation plan should this proposal proceed (see Appendix C).

Rental Incentive Guidelines - The intent of the *Rental Incentive Guidelines* is to inform the way in which rental incentives, taken at the applicant's discretion, are applied to specific projects. Applications where 100 per cent of the residential floor space is rental are eligible for parking relaxations, a DCL waiver for the residential rental floor area of the project, and relaxation of unit size provided that the design and location of the unit provides satisfactory living accommodation. The applicant is seeking the DCL waiver, but is not seeking a parking or unit size relaxation.

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. This application proposes an indoor amenity room on the 6th floor, connected to a shared outdoor amenity space with children's play area. In addition, community garden planters are proposed at rooftop level.

Family Room: Housing Mix Policy for Rezoning Projects - In July 2016, Council adopted the *Family Room: Housing Mix Policy for Rezoning Projects*, which increased the requirement for family units with two or more bedrooms in rental housing projects from a minimum of 25 per cent to 35 per cent. Section 8 (Housing) of the *Marpole Community Plan* also requires that new multi-family developments have two- and three-bedroom units for families. This application proposes that 13 of the 36 units be two- or three-bedroom units, achieving 36 per cent of the total units as suitable for families. A provision of the draft CD-1 by-law has been included in Appendix A to ensure that this family unit mix is at least 35 per cent.

Housing Vancouver Strategy (2017) - In November 2017, Council approved the *Housing Vancouver Strategy (2018 - 2027)* and *3-Year Action Plan (2018-2020)*. The strategy seeks to

shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The *Housing Vancouver* targets were based on the core goals of retaining a 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.

Strategic Analysis

1. Proposal

The application proposes to rezone 8599 Oak Street from RM-3A (Multiple Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building. In total, the application proposes 36 for-profit affordable rental housing units (23 one-bedroom units, seven two-bedroom units and six three-bedroom units) at a density of 2.5 FSR and a building height of 20 m (66 ft.), all over two levels of underground parking accessed from 70th Avenue.

Figure 2 - Site Plan



Figure 3 - Perspective view



2. Land Use, Density and Form of Development

The application proposes a six storey residential building with a floor space ratio (FSR) of 2.5, consistent with the expectations of the *Marpole Community Plan*. The proposed land use and density are consistent with the height and built form guidelines set out in the *Plan*, noting that as a corner lot, additional setbacks will be required to minimize impacts to neighbouring context.

As the site has limited lane access, underground parking access is maintained in its current location at 70th Avenue. The building entry is located along Oak Street. Along Oak Street and 70th Avenue, a 26 ft. setback from back of curb to building face is included in the proposal, to allow for an improved public realm experience. Amenity room and contiguous outdoor space are provided on the south facing roof deck.

The initial rezoning application submission (April 18, 2017) was reviewed by the Urban Design Panel on August 9, 2017. The Panel supported the proposed height and density, and had recommendations for further design development with regards to the building form. Staff reviewed the recommendations of the Panel, as well as the project's programmatic requirements and site-specific conditions, and recommended improvements to the proposed form of development, as summarized in the Urban Design Analysis contained in Appendix D. The applicant worked with staff to address the Panel's comments with design development to address corner context, orientation and refinements to the building elevations and public realm design and subsequently submitted a revised application on December 15, 2017. Staff is supportive of this application, subject to the conditions outlined in Appendix B.

3. Housing

This application seeks to replace an existing 13-unit market rental building with a new 36-unit secured market rental building in an RM-3A area under the provisions of the *Marpole Community Plan*. Specifically, policy 8.2.4 in the *Marpole Community Plan* allows for rezonings for 100 per cent rental developments in identified RM-3A locations. If approved, this project would support and advance a number of City housing policy objectives and strategic directions including those articulated in the *Marpole Community Plan* and the *Housing Vancouver Strategy*.

Specifically, this application, if approved, would provide:

- Replacement of aging rental stock with new rental housing;
- A net increase of 23 new rental housing units; and
- An increase in the number of family units available at this site.

Vancouver has one of the lowest rental vacancy rates in Canada. In October 2017, the vacancy rate in the City was 0.9 per cent¹. That means only nine out of every 1,000 market rental units were empty and available for rent. A vacancy rate of three per cent is considered to be a balanced rental market. The vacancy rate in the Marpole zone where 8599 Oak Street is located was also very low at 0.8 per cent². Figure 4 below shows the City's progress toward the secured market rental housing targets as set in the *Housing Vancouver Strategy 2018-2027*.

Figure 4 - Progress Toward the 10-Year Housing Vancouver Targets for Secured Market Rental Housing (as of December 31, 2017)

	10-Year Target ¹	APPROVED PROJECTS ²
		Units Approved Towards Targets
Secured Market Rental Housing Units	20,000	822

¹Targets are established in the *Housing Vancouver Strategy*.

²Unit numbers exclude the units in this proposal, pending Council's approval of this application. Note that tracking progress towards 10-year Housing Vancouver targets began in 2017.

The applicant has agreed to secure the 36 units at starting rents that are below the maximum rents outlined for For-Profit Affordable Rental Housing in the DCL By-Law, thus providing greater affordability compared to starting market rental rates. A Housing Agreement will

¹ Canada Mortgage and Housing Corporation (CMHC) Rental Market Report, October 2017

² Canada Mortgage and Housing Corporation (CMHC) Rental Market Report, October 2017

secure both the proposed rent levels and that all units in the building will be used as Rental Housing Units for 60 years or the life of the building, whichever is greater.

Staff have compared the anticipated initial monthly rents in this proposal to the average monthly costs for newer rental units in the west area of Vancouver, as well as to the estimated monthly costs to own similar units in the west area of Vancouver, using 2017 BC Assessment sales data. The proposed rents for all units are set below the DCL average maximum thresholds. When compared to average rents in newer buildings in the west area of Vancouver, the proposed rents for two-bedroom units are lower, however the proposed rents for one-bedrooms are higher. In terms of the comparison to home ownership costs, the proposed rents in this application will provide an affordable alternative to home ownership, particularly for the larger units. Figure 5 compares the initial rents proposed for units in this application to average and estimated rents and costs for similar units.

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

	8599 Oak Street - Proposed Rent	Average Market Rent in Newer Buildings - Westside (CMHC, 2017) ¹	City-wide Market Rental 2005+ Average Rents	DCL By-Law Maximum Averages- Westside (CMHC, 2017) ²	Monthly Costs of Ownership for Median-Priced Unit - Westside (BC Assessment 2017) ³
1-bed	\$1,843	\$1,798	\$1,730	\$1,903	\$3,333
2-bed	\$2,293	\$2,992	\$2,505	\$2,756	\$5,444
3-bed	\$2,866	No data available	\$3,365	\$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 studio, 1-, 2- and 3-bedroom units, the maximum DCL rents are the average rents for all residential units built since the year 2005 in the City of Vancouver as published by CMHC in the fall 2017 Rental Market Report plus 10%.

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

The proposed average starting rents, as set out in Figure 5, will be secured through a Housing Agreement. The DCL By-law allows for rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum allowable increases under the Province's *Residential Tenancy 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 in the DCL By-law.

The application proposes 36 per cent of the units as having two or more bedrooms, including 16 per cent as three-bedroom units (see Figure 6). If approved, the total number of family units will increase from three two-bedroom units currently, to 13 two- and three-bedroom units. This proposed unit mix achieves the targets for rental buildings under the *Family Room: Housing Mix Policy for Rezoning Projects*.

The *Marpole Community Plan* allows rezoning for 100 per cent rental developments in identified locations (e.g., Granville Street, Oak Street, 70th Avenue, and Marine Drive). The Plan also requires that the rate of redevelopment in the Marpole RM-3A apartment area be monitored through each rezoning report. Figure 7 below identifies the current list of rental redevelopment projects in progress in the Marpole RM-3A area.

Figure 6 - Rental Redevelopments in Marpole RM-3A Area

Address	Application Status	Number of existing rental housing units	Number of new market rentals	Net gain in rental housing
8615 Laurel St	Rezoning approved	26	65	+39
8795-8803 Granville St	In process	3	15	+12
8599 Oak St	In process	13	36	+23
TOTAL	3 sites	42	116	+74

4. Existing Rental Accommodation and Tenant Relocation

The existing 13 rental units on the site are protected by the *Rental Housing Stock Official Development Plan (ODP)*. If Council approves this application, the 13 rental units existing on the subject site would be replaced with 36 new rental units. Redevelopment of the site would require the relocation of existing tenants. The existing apartment building at 8599 Oak Street consists of: 10 one-bedroom units; and three two-bedroom units. When the Tenant Relocation Application form was received at the time of initial Rezoning Application in April 2017, the rents ranged from \$725-\$1,150 for a one-bedroom unit (with an average monthly rent of \$856) and \$775-\$1,550 for a two-bedroom unit (with an average monthly rent of \$1,088). All units were occupied. Since then, two residents have been relocated.

The City's *Tenant Relocation and Protection Policy and Guidelines* have guided development of a Tenant Relocation Plan (see Appendix C). Eligible tenants will receive a minimum of 2 months free rent or more based on length of tenancy, a flat rate payment towards moving costs, assistance finding alternative accommodation including one option within the neighbourhood, and right-of-first refusal for returning tenants at discounted rents. The securing of the Tenant Relocation Plan is a condition of rezoning. A final Tenant Relocation Plan will be required at the time of Development Permit application, and a final Tenant Relocation Report will be required prior to issuance of the Occupancy Permit. The applicant has engaged a consultant to assist in finding alternate accommodation and providing relocation support to all tenants requesting assistance.

Based on the tenancy start dates provided, 11 of the 13 existing tenants would qualify for the additional provisions under the City's *Tenant Relocation and Protection Policy*. The applicant

has indicated they will extend the Tenant Relocation Provisions to apply to all 13 households. The average length of tenancy indicated at the application date was 16 years. There were four tenants who have been in the apartment building for more than 20 years, and five tenants who have lived in the building for more than 10 years. Additional compensation is provided for tenants that have longer tenancies as indicated in Appendix C. One specific provision is included for those tenants who have tenancies of more than 20 years. In this case the applicant has offered returning rents at their existing rent plus 10 per cent of the new market value per suite, or 20 percent below the market rents, whichever is lower.

5. Transportation and Parking

Vehicle parking is provided within two levels of underground parking, accessed from the lane. The application proposes a total of 29 vehicle parking spaces. Also proposed are 54 bicycle parking spaces.

Parking spaces are to be provided in accordance with the Parking By-law. Engineering has reviewed the application and has no objections to the proposed rezoning provided that the applicant satisfies the conditions included in Appendix B.

6. Environmental Sustainability

The *Green Buildings Policy for Rezoning* (last amended by Council on April 28, 2017) requires that residential rezoning applications satisfy either the near zero emissions buildings or low emissions green buildings condition within the policy. The new requirements are mandatory for all rezoning applications received after May 1, 2017. Applications received prior to May 1, 2017 may choose to meet this updated version of the policy or the preceding version.

This application was received prior to May 1, 2017, with a resubmission on December 12, 2017 in response to Staff and the Urban Design Panel recommendations. The application has opted to satisfy the preceding version of the *Green Buildings Policy for Rezoning*, which requires applications achieve a minimum of LEED® Gold rating, with targeted points for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project. The applicant submitted a preliminary LEED® scorecard, which generally conforms to the *Green Buildings Policy for Rezoning*, indicating that the project could attain the required LEED® points and, therefore, would be eligible for LEED® Gold rating.

The *Marpole Community Plan* also recommends a deconstruction plan for diverting demolition waste. A condition of rezoning in Appendix B requires a Recycling and Reuse Plan for Green Demolition/Deconstruction, for demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials.)

Public Input



Pre-Application Consultation - A pre-application open house was held by the applicant on December 8, 2016 at the Marpole Oakridge Community Centre at 990 West 59th Avenue. Staff, the applicant team, and approximately 30 individuals attended the pre-application open house. The applicant also conducted two tenant meetings with their tenant relocation specialist.

Public Consultation - A rezoning information sign was installed on the site on May 24, 2017. A total of 2,173 notifications were distributed within the neighbouring area on or about June 8, 2017. In addition, one email notification was sent to the Marpole Community BIA. Notification and application information, as well as an online comment form was provided on the City of Vancouver Rezoning Centre webpage (vancouver.ca/rezapps).

A community open house was held for two rezoning applications, including 8599 Oak Street and 8378-8432 Oak Street, from 5:00-7:00 pm on June 29, 2017 at Marpole Oakridge Community Centre, 990 West 59th Avenue. Staff, the applicant team, and a total of approximately 22 people attended the open house.

Public Response and Comments - One comment sheet and two online comment forms were received from the public. Concern was noted from a current tenant regarding the affordability of new units. The commenter also noted that the location, on two busy roads, was not well suited to a new development. Another topic of concern was a perceived lack of parking for the number of units. In support of the project, one respondent commended the greater supply of rental housing, in particular medium sized one-bedroom units in a new building.

Figure 7 - Notification and Public Response

Total notifications		2173
Open House attendees		22
Comment sheets	1	
Other feedback	2	

Response to Public Comments - Staff note that the application provides a Tenant Relocation Plan for eligible existing tenants, consistent with the *Tenant Relocation and Protection Policy*. The application exceeds the Parking By-law minimum requirements, proposing 29 spaces for 36 units. A bus stop adjacent to the site provides public transit access to downtown Vancouver.

PUBLIC BENEFITS

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

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 DCL By-Law. The total residential floor area eligible for the waiver is 2,894.0 sq. m (31,152 sq. ft.). The total DCL that would be waived is estimated to be approximately \$486,568, based on the current DCL rate of \$168.13 per sq. m (\$15.62 per sq. ft.). A review of how the application meets the waiver criteria is provided in Appendix F.

Public Art Program - The Public Art Policy 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 36 residential units be secured as for-profit affordable rental housing (non-stratified) under the waiver criteria as set out in section 3.1A of the DCL By-law. 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 or 60 years. Covenants will be registered on title to preclude the stratification and/or separate sale of individual units.

The development of for profit affordable rental housing aligns with the City's priorities to encourage the continued building of strong, safe and inclusive communities that are sustainable, affordable and environmentally sound. Rental housing provides a more affordable housing option for nearly half of Vancouver's population and contributes to a number of City initiatives intended to sustain socially, economically and environmentally thriving communities.

Community Amenity Contributions (CACs) - Within the context of the City's Financing Growth Policy and the *Marpole Community Plan*, 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 applications that align with the *Secured Market Rental Housing Policy* and *Rental Incentive Guidelines*.

For sites within Marpole, such as this one, the *Marpole Community Plan Public Benefits Strategy* provides direction for CAC allocations. The public benefit achieved for this application is secured for-profit affordable rental housing. Real Estate Services staff have reviewed the applicant's development pro forma and have concluded that, after factoring in the costs associated with the for-profit affordable rental housing units for the longer of the life of the building or 60 years, no further contribution towards public benefits is anticipated in this instance. See Appendix G for a summary of the public benefits.

Financial

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

This site is within the City-wide DCL district. 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 \$486,568.

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 rezoning application 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 *Marpole Community Plan* with regard to land use, density, height and form. If approved, this application would contribute toward both the *Housing Vancouver Strategy* and *Marpole Community Plan* goals with the achievement of 36 units of secured for-profit affordable rental housing.

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 Appendix E, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

* * * * *

8599 Oak Street
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 numbered Z- () attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

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

Uses

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

Conditions of use

3. The design and layout of at least 35 per cent 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 1,157.6 sq. m, 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 2.5.
- 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 sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12 per cent 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 minimum 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:
 - (a) amenity areas, except that the total exclusion for amenity areas must not exceed 10 per cent of 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 20.0 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 the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m.
- 6.5 An obstruction referred to in section 6.2 means:
 - (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any site adjoining CD-1 ().
- 6.6 A habitable room referred to in section 6.1 does not include:
 - (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10 per cent or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 sq. m.

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 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

* * * * *

8599 Oak Street
PROPOSED CONDITIONS OF APPROVAL

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

CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by NORR Architects Planners Inc., on behalf of Maiway Investment Ltd. and stamped "Received Planning & Development Services, December 12, 2017", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to the following:

Urban Design

- 1. Design development to acknowledge the prominent corner location by providing an enhanced architectural expression at the corner of Oak Street and 70th Avenue.

Note to Applicant: Entrance to the building should reflect the hierarchy of the streets, in particular the more pedestrian oriented 70th Avenue. This can be achieved with entry location or an enhanced entry sequence from 70th Avenue. Enhanced corner expression in terms of massing and pedestrian pathway should be provided.

- 2. Design development to improve ground-oriented units at the street interface, as follows:

- (i) Unit entries and patios facing Oak Street should include robust planting to allow delineation (as well as a green buffer) of the public and private realm.

Note to Applicant: Ceiling height can be reduced at parking level 1 below the patios to ensure adequate soil volumes for robust planting.

- (ii) At 70th Avenue interface, raised patio entry can be integrated with building entry landing.

- 3. Design development to the Building Elevation as follows:

- (i) Incorporate passive measures at the south facade.
- (ii) Provide quality and durable exterior finishes, in particular, parking access should be carefully detailed at the street interface.

4. Design development to enhance visual connection from amenity room to the roof deck by providing additional windows facing the deck.
5. Design development to improve the livability of dwelling units by providing closets in all bedrooms.
6. Design development to show transformer location.
7. The proposed unit mix, providing 23 one-bedroom units, seven two-bedroom units and six three-bedroom units, is to be included in the Development permit drawings. The two and three bedroom units account for 36 per cent of the units.

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 per cent of the dwelling units designed to be suitable for families with children.

8. Identification on the architectural and landscape drawings of any built features intended to create a bird friendly design.

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

Crime Prevention through Environmental Design (CPTED)

9. Design development to respond to CPTED principles, 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

10. Provision of the following in regard to the tree retention strategy (applicable to trees #643, OS #1, OS #2, OS #3):
 - (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 a 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 dripline of tree # 643. 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 Engineering, Planning and Park Board (Urban Forestry) 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, shoring and forming methods, grading and re-landscaping in any tree protection zones. Further comments may be forthcoming to mitigate impacts, such as utility relocation, 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.

11. Design development to improve public realm expression along Oak Street and 70th Avenue. Delete any portions of the private open space that are encroaching on the required 14 ft. public realm.

Note to Applicant: A double row of trees are required within the front-yard setback, one row on private property and a second row on public property. See *Marpole Community Plan* 7.2.2, 7.2.3 and 7.2.19 for further detail. Where existing trees are being retained, integrate into the design. For 70th Avenue frontage, further road design work will need to be completed to determine the ultimate public realm design due to the building line dedication.

12. Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to Applicant: Underground parking slabs and retaining walls may need to be altered to provide adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed BCLNA standards.

13. Provision of rooftop planting and presence of vegetation through extensive green roofs, and large planters in combination with small species tree canopy.

Note to Applicant: Shared gardening areas could be on rooftops as intensive green roofs and should be designed to adhere to Council's Urban Agriculture Design Guidelines for the Private Realm. They should provide maximum solar exposure, universal accessibility and be provided with amenities such as raised beds, water for irrigation, potting bench, tool storage and composting.

14. A full Landscape Plan for proposed landscape to be submitted. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, railings, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale.

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

Note to Applicant: in tree areas, 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.

16. 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.

17. Provision of plan details and documentation/calculations that support achievement of LEED storm water credit(s) and integrated rainwater management, including absorbent landscapes, soil volumes and detention systems.

Note to Applicant: landscape related solutions and detention systems should be shown on the plan. The LEED consultant should provide detailed calculations to describe how the various best management practices contributed to the quality and quantity targets.

18. Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

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

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

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

Note to Applicant: hose bibs are requested to encourage patio gardening and hand watering in amenity decks. Any limitations to the installation of hose bibs on private decks should be brought to the attention of staff in the written response.

21. A Landscape Lighting Plan to be provided for security purposes.

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

Sustainability

22. Provision of a Recycling and Reuse Plan for Green Demolition/Deconstruction, for the demolition of existing buildings on site, to recycle/reuse at least 75% of demolition waste (excluding hazardous materials).

Note to Applicant: The Recycling and Reuse Plan for Green Demolition/Deconstruction should be provided at the time of development permit application.

23. Any new building in the development will meet the requirements of the preceding *Green Buildings Policy for Rezonings* (as amended up to January 14, 2016), including a minimum of 63 points (LEED® Gold rating), with 1 point for water efficiency and stormwater management and a 22% reduction in energy cost as compared to ASHRAE 90.1 2010, along with registration and application for certification of the project.

Note to Applicant: A Sustainable Design Strategy must be submitted as part of the Development Permit that articulates which credits the applicant will be pursuing and how their building application, as submitted, incorporates strategies, features or technologies that will help achieve these credits. The strategy, along with the LEED checklist, must be incorporated into the drawing submission. A letter from a LEED Accredited Professional or Administrator must confirm that the proposed strategy aligns with the applicable goals of the rezoning policy. Proof of registration of the CaGBC must be provided with the application and the project registration number incorporated into the drawings. Application for Certification will be required at a subsequent stage.

24. In lieu of the requirements outlined in Condition 23, the applicant may choose to meet the requirements of the *Green Buildings Policy for Rezonings* amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Engineering

25. The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
26. Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right-of-way.
27. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.

28. Delete the private patios, gates and privacy screen shown within the building line area to be dedicated.
29. A crossing application is required and design approval of the crossing is required prior to development permit issuance.

Note to Applicant: Show standard concrete crossing from curb to new property line.
30. Deletion of the proposed landscape in the front boulevard on Oak Street and West 70th Avenue.
31. Provision of a minimum 1 ft. setback between the edge of first stair riser and the SRW on Oak Street.
32. Provide automatic door openers on the doors providing access to the bicycle room and note on drawings.
33. 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.
34. Provision of bike racks to be installed entirely on private property.

Housing

35. Provide a completed Tenant Relocation Application Form which includes a list outlining the name of each tenant, the number of the tenant's unit, the size of unit, the type of unit, and their rent, as per Section 6.1(a) of the Tenant Relocation and Protection Guidelines.

Note to Applicant: An updated list of tenants must be submitted at the time of development permit application.
36. Provide a letter stating the property address and legal description of the site, and providing the names and mailing addresses of all tenants.
37. Provide a notarized declaration, prior to issuance of a development permit which demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; includes information on posting of notice regarding the intent to redevelop as per Section 6.1(c); and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant.
38. Provide a final Tenant Relocation Report to be submitted prior to issuance of the occupancy permit which outlines the names of tenants; indicates the outcome of their search for alternate accommodation; summarizes the total monetary value given to

each tenant (moving costs, rent, any other compensation); and includes a summary of all communication provided to the tenants.

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/developer, make arrangements for the following:

1. Consolidation of Lots 15 and 16, Both Except the East 7 Feet Now Road, of Lot 33, Block B, District Lots 319, 323 and 324, Plan 1685 to create a single parcel and subdivision of that site to result in:
 - (i) the dedication of the southerly 17 ft. (the building line area) for road purposes; and
 - (ii) the dedication of a 11.5 ft. x 11.5 ft. corner-cut truncation in the ultimate southeast corner of the site for road purposes.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required.

2. Provision of a surface statutory right-of-way (SRW) for public pedestrian use over an area measured 2.2 m wide adjacent to the east property line.

Note to Applicant: Please delete what appears to be a planter encroaching into the 2.2 m width.

3. Release of Easement & Indemnity Agreement 331868M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition.

4. Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided.

(i) Provision of adequate water service to meet the fire flow demands of the project. The current application lacks the details to determine if water main upgrading is required. Please supply project details including projected fire flow demands, sprinkler demand, hydrant load, and domestic water demands to determine if water main upgrading is required. Should upgrading be

necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100 per cent of any water system upgrading that may be required.

- (ii) Separate and upgrade the sewers on Oak Street from the manhole in line with the north property line to the separated manholes south of West 70th Avenue, approximately 85 m. Final pipe sizes and locations are to be determined through the detailed civil design process.
- (iii) 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 BC 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.

- (iv) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work. Note: as-constructed documentation will be required that includes photographic and measured evidence of the installed number of conduits, their final locations and depths.
- (v) Provision of upgraded street lighting on West 70th Avenue and Oak Street to current standards including a review of the existing lighting to determine its adequacy and a lighting design as required.
- (vi) Provision of upgraded lighting for the signal at Oak Street and West 70th Avenue (LED lighting is to be provided for all 4 corners of the intersection).
- (vii) Provision of sod grass within the 17 ft. road dedication on West 70th Avenue with a minimum 2-3 per cent cross fall between the new building line and the top of the curb on the north side of West 70th Avenue and deletion of the proposed second row of trees, landscape, and basalt blocks.

Note that an existing mature tree is recommended for retention within the new road dedication on West 70th Avenue. Further evaluation of the tree, existing grade of the tree and surrounding lands will be needed to be determined final acceptance.

- (viii) 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 70th Avenue with some adjustment around the existing tree.
- (ix) Provision of a 2.44 m (8 ft.) CIP light broom finish sidewalk with saw cut joints and a minimum 1.83 m (6 ft.) wide sod grass front boulevard on Oak Street.
- (x) Provision of new curb ramps and curb return at the northwest corner of Oak Street and West 70th Avenue.
- (xi) Provision of a bus shelter on Oak Street adjacent to the site. Shelters are supplied and installed the City of Vancouver street furniture contractor with the foundation and any electric connections and drainage provided for by the applicant.

Housing

- 6. 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 for-profit affordable rental housing units pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law for the longer of 60 years and 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 rents for each rental unit when the Housing Agreement is entered into, and again prior to development permit issuance.
 - (v) That the average initial starting monthly rents for each unit type will be at or below the following proposed starting rents subject to adjustment as contemplated by the Vancouver Development Cost Levy-By-law:

Unit Type	8599 Oak Street Proposed Average Starting Rents
1-bedroom	\$1,843
2-bedroom	\$2,293
3-bedroom	\$2,866

- (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.
- (vii) Compliance with the City-approved Tenant Relocation Plan, including provision of a final Tenant Relocation Report prior to issuance of the occupancy permit.
- (viii) Such other terms and conditions as the General Manager of Arts Culture and Community Services and the Director of Legal Services may in their sole discretion require.

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

Environmental Contamination

7. 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 this site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the onsite and off-site contamination, issued by the Ministry of Environment, have been issued 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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8599 Oak Street
SUMMARY OF TENANT RELOCATION PLAN TERMS

Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer
Financial Compensation	<ul style="list-style-type: none"> • A lump sum (cash) compensation will be available for each unit eligible for Tenant Relocation Plan according to the following schedule: <ul style="list-style-type: none"> ○ 2 months' rent - tenancies up to 5 years ○ 3 months' rent - tenancies between 5-10 years ○ 4 months' rent - tenancies over 10 years ○ 6 months' rent for tenancies over 20 years
Notice to End Tenancies	<ul style="list-style-type: none"> • Landlord to provide regular project updates to tenants throughout the development approvals process. • A minimum of two months' notice to end tenancy after all permits are issued is required (e.g. all development, building, and demolition permits in place).
Moving Expenses (flat rate or arrangement of pre-insured moving company)	<ul style="list-style-type: none"> • For moves within the Metro Vancouver region an insured mover will be hired with costs covered by landlord for all eligible tenants. • For moves outside the region or for tenants who prefer, a flat rate of \$750 for one-bedroom units and \$1,000 for two- or more-bedroom units will be provided at a minimum to all eligible tenants.
Assistance in Finding Alternate Accommodation (three options)	<ul style="list-style-type: none"> • Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver, one of which must be in the same general area as the tenant's current home, and one of which must be within 10 per cent of the tenant's current rent. • All options must rent for no more than CMHC average rents for the area unless otherwise agreed to with the tenant.
Additional Support for Special Circumstances (e.g. additional support, providing one alternate accommodation option at 10 per cent of current rent)	<ul style="list-style-type: none"> • Applicant has engaged a firm to provide additional relocation support for those who request assistance. • The applicant should consider: assessing all tenants for rent subsidy; contacting non-profit social housing operators to identify unit availability within their portfolio; and assisting in adding qualified tenants to BC Housing registry.
First Right-of-Refusal (Where starting rents are anticipated to be higher than what the tenant currently pays, provide a 20 per cent discount off starting rents for any returning tenants)	<ul style="list-style-type: none"> • Tenants who are eligible under this relocation plan will be offered the first right-of-refusal to return to a market unit at a 20 per cent discount off average starting rents indicated in this report. Any subsequent rent increases for returning tenants will be in line with the Residential Tenancy Act. • Tenants with over 20 years of tenancy, may return and pay their existing rent plus 10 per cent of the new market value per suite, or 20 per cent below average starting rents, whichever is lower.

8599 Oak Street
ADDITIONAL INFORMATION

Urban Design Panel

The Urban Design Panel (UDP) reviewed this rezoning application on August 9, 2017. The panel recommended resubmission with commentary as noted below.

Introduction: Beverley White, Rezoning Planner, introduced the project as a rezoning application for a site at the northwest corner of Oak Street and 70th Avenue, in Marpole. The site is zoned RM-3A and currently consists of a three-storey residential building containing 13 rental units (built 1957) with surface parking accessed off 70th Avenue. The site is approximately 12,500 sq. ft. with 100 ft. frontage on Oak Street and 125 ft. frontage on 70th. A 17 ft. dedication from the 70th Avenue property line is sought and the proposal reflects that dedication. Existing healthy trees bordering the north and south property lines are to be retained wherever possible.

To the north and along Oak Street, the current zoning is RT-2, primarily developed with duplexes and single-family homes. Along 70th Avenue, sites are currently zoned RM-3A and are primarily developed with three-storey apartment buildings. Northwest of the site, across the lane sites are zoned RM-8, which allows for townhouses up to three-storeys and 1.2 FSR. The subject site and surrounding sites fronting Oak and 70th are in in the "Oak Neighbourhood Apartment Area" in the Marpole Plan. This allows consideration of residential buildings up to six-storeys and density up to 2.5 FSR. Further north at Oak Street and 67th Avenue, the Marpole Plan allows for consideration of mixed-use buildings up to eight-storeys and up to 3 FSR.

There are two nearby rezoning applications: 8378 Oak Street, a six-storey residential building with 38 dwelling units at 2.49 FSR; and 8242 Oak Street, an eight-storey mixed-use building with 50 residential units at 3.0 FSR.

The proposal is being considered under the Marpole Community Plan and is for a six-storey rental residential building with a total of 36 dwelling units over two levels of underground parking. There is no lane access; parking is accessed from 70th Avenue. An FSR of 2.5 is proposed, which is the generally considered to be the upper limit for this area in the Marpole Plan.

Susan Chang, Development Planner, noted that per the Marpole Plan, a six-storey apartment with transitional setbacks above the 4th storey is expected. The scale of the building is expected to be reduced towards the lane to minimize shadow and overlook to adjacent properties (by stepping the building form). For a standard lot depth a rear setback of 16 ft. is appropriate to provide outdoor space as well as to reduce overlook to neighbours. The proposal is for a deeper built form. To provide visual interest and variation, buildings to include individual entrances facing the street.

Marpole Plan seeks public realm improvements especially on arterial routes, to create a buffering landscaped street edge. This includes an 8 ft. sidewalk width, a row of boulevard trees towards the street and another row inside the property. This results in a minimum 26 ft.

setback from curb to building face along 70th Avenue and Oak Street. There is a 17 ft. building line along 70th Avenue as well as a 15 ft. corner cut.

This is a corner lot with limited lane access. Proponents were directed to consolidate with either the west or north property, however on the north side there is a 5 ft. sewage easement and assembly was not achieved on the west side. Therefore parkade access is maintained at 70th Avenue. The building entry is at Oak Street. Amenity room and related outdoor space are located at the 6th storey.

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

1. Do you support the form/massing and density?
 - Additional comments on building massing, orientation, and shadowing impacts as it relates to the neighbouring north property.
2. Please comment on the ground floor interface with the public realm along 70th and Oak, and building entry.
3. Please comment on the landscape design's interface with public realm.

Applicant's Introductory Comments: The applicant noted the mandate was to replace the existing rental with more rental. The form has changed due to the building line and public realm setbacks. The design had originally located amenity area at grade, and at the rear. The proposal was pushed on all sides by the setbacks that limited the options. The setbacks confined the amenity to the roof top space, and the building was pushed back which will help address this busy intersection.

Landscape design is meant to pull pedestrians away from both Oak Street and 70th Avenue. At Oak, there is an at-level-entry that opens up to a more pedestrian friendly plaza. Along 70th there is a large existing Beech tree, with an angled access that offers semi-privacy. There is a double row of street trees along Oak Street and 70th Avenue. Along the north property line more trees are to be retained. There is amenity space and a community roof garden (at the south edge).

The applicant and planning team then took questions from the panel.

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

THAT the Panel Recommend RESUBMISSION with the following recommendations to be reviewed by City Staff:

- Acknowledge the hierarchy of streets. Oak Street is the main artery and should be addressed by the façade. Consider moving the entrance to 70th Avenue (more pedestrian oriented).
- Acknowledge the corner in the massing and the pedestrian pathways.
- Reconsider the glazing and the service locations on the north elevation and revisit the west façade.
- Consider passive measures for solar orientation and consider a green buffer on Oak Street to mitigate noise.

Related Commentary: The building should respond to the corner and the difference between 70th Avenue and Oak Street. Due to noise and traffic on Oak Street, entry should be located

at 70th Avenue. The lobby and the driveway could be combined (similar to buildings in Kerrisdale) to celebrate the entry.

The diagonal geometry of pavement (at the corner) leads to a blank wall and patio stairs. The amount of pavement exacerbates noise conditions. Smaller pockets could be provided (facing each other) to allow more human interaction. The setbacks could allow a lush green buffer to screen traffic and noise.

The upper storey should be setback at the north side. The units oriented south/north are not working and this is a concern especially for the north facing units. The north elevation should address the amount of glazing, overlook, and shadowing impacts. The viability of retaining the existing trees on the neighbouring property was brought into question. The service uses (located in the middle of the north face), could be relocated closer to the lane.

The site plan or context information is limited. The LEED building score sheets provided should be reflected in the elevations. Solar orientation and passive measures could be better implemented.

Applicant's Response: The applicant team thanked the panel and noted the entryways could be amalgamated. Entry is located at Oak Street due to site slope but could look at entry at 70th Avenue. LEED provisions will be better addressed.

Staff analysis in response to Urban Design Panel commentary

Staff having reviewed the recommendations of the Urban Design Panel, included conditions to refine and improve the proposed form of development in response, as follows:

- Acknowledge the hierarchy of streets. Oak Street is the main arterial and should be addressed by the façade. Consider moving the main entrance to 70th Avenue (more pedestrian oriented).

A rezoning condition has been included to provide a response to this prominent corner, through the design of the building, as well as the landscape design. Staff has reviewed entry at 70th Avenue. However, due to the slope of the site, and building line setback at 70th Avenue, the building entrance can be considered at Oak Street near the corner, with exterior steps from 70th Avenue leading to the building entry.

- Acknowledge the corner in the massing and the pedestrian pathways.

An enhanced corner expression in terms of massing is a rezoning condition along with an improved landscape design of the pedestrian pathway.

- Reconsider the glazing and the service locations on the north elevation and revisit the west facade.

Due to the corner configuration, additional setbacks have been required facing the north site to minimize overlook issues as well as a reflected elevation to be superimposed on north and west facades. In the revised application additional setbacks have been included and service uses have been relocated closer to the lane.

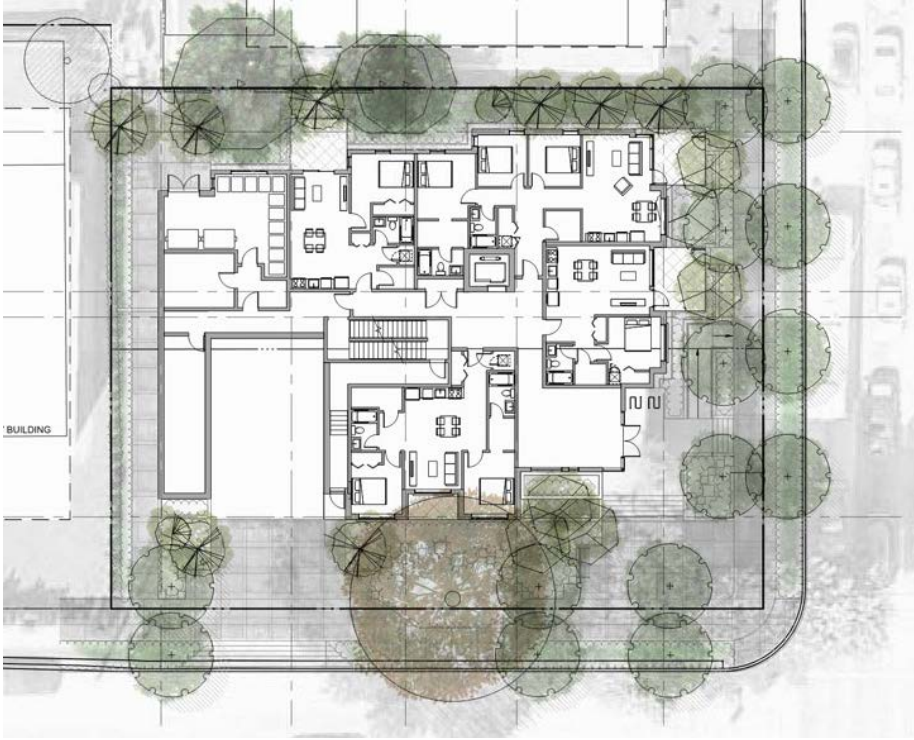
- Consider passive measures for solar orientation and consider a green buffer on Oak Street to mitigate noise.

Passive measures have been required to be incorporated into the south elevations. Robust planting have been added as a rezoning condition along Oak Street, noting that Oak Street and 70th Avenue are expected to evolve into a more pedestrian friendly street and improved public realm with the development of projects under the *Marpole Community Plan*.

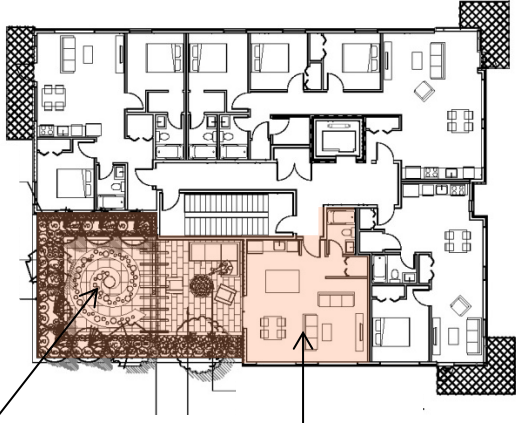
The applicant worked with staff to address concerns about the building design, and subsequently submitted a revised application on December 12, 2017. Staff believe that the revised design has resolved the issues raised by the Urban Design Panel and support this application, subject to conditions outlined in Appendix B.

8599 Oak Street
FORM OF DEVELOPMENT

Site Plan



Level 6 plan



Outdoor
amenity
space

Indoor Amenity room

North elevation



East elevation



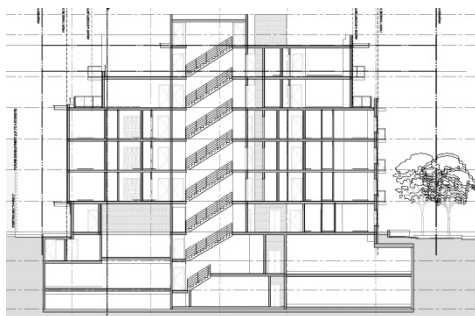
South elevation



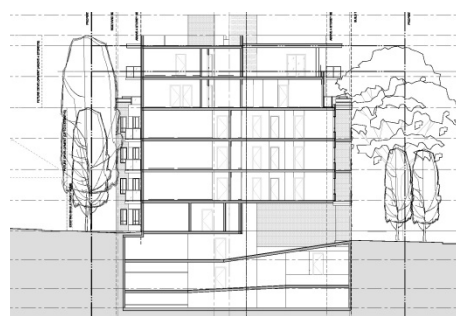
West elevation



Section north-south



Section east-west



Perspective view



8599 Oak Street
DEVELOPMENT COST LEVY WAIVER ANALYSIS

To qualify for a waiver of the Development Cost Levy (DCL) for the residential floor space as for-profit affordable rental housing, the application must meet the criteria set out in the Vancouver 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) 6 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	Number of Units Proposed	DCL By-law Maximum Average Unit Size	Proposed Average Unit Size
One Bedroom	23	56 sq. m (600 sq. ft.)	54 sq. m (585 sq. ft.)
Two Bedrooms	7	77 sq. m (830 sq. ft.)	73 sq. m (786 sq. ft.)
Three Bedrooms	6	97 sq. m (1,044 sq. ft.)	96 sq. m (1,028 sq. ft.)

- (d) The average initial rents for the proposed dwelling units do not exceed rents specified in the DCL By-law, subject to Section 3.1B(c).

Unit Type	Number of Units Proposed	DCL By-Law Maximum Average Unit Rent*	Proposed Average Unit Rent
One Bedroom	23	\$1,903	\$1,843
Two Bedrooms	7	\$2,756	\$2,293
Three Bedrooms	6	\$3,702	\$2,866

* West Area DCL Maximum Rents 2017. Both the maximum and proposed rents are subject to annual adjustment as per the DCL By-law.

- (d) 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 sq. m	\$2,925 per sq. m

- (f) 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 proposed averages set out under (d) above.

8599 Oak Street
PUBLIC BENEFITS SUMMARY

Project Summary:

A six-storey building containing 36 for-profit affordable rental units.

Public Benefit Summary:

The project would provide 13 replacement rental units and 23 new rental units, for a total of 36 secured for-profit affordable rental dwelling units for 60 years or the life of the building.

	Current Zoning	Proposed Zoning
Zoning District	RM-3A	CD-1
FSR (site area = 1,157.6 sq. m / 12,460 sq. ft.)	1.35	2.5
Floor Area (sq. ft.)	16,823	31,152
Land Use	Multi-family residential	Multi-family residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required*	DCL (City-wide)	\$145,687	0
	Public Art		
	20% Social Housing		
Offered (Community Amenity Contribution)	Cultural Facilities		
	Green Transportation/Public Realm		
	Heritage Conservation Reserve		
	Affordable Housing		**
	Parks and Public Spaces		
	Childcare/Social/Community Facilities		
	Unallocated		
	Other		
TOTAL VALUE OF PUBLIC BENEFITS		\$145,687	0

* 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%)

** Other benefits (non-quantified components): 36 units of for-profit affordable rental units secured for 60 years or life of the building, whichever is longer.

8599 Oak Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Applicant and Property Information

Address	8599 Oak Street
Legal Descriptions	Lots 15 and 16, except the east 7 feet now road, of Lot 33, Block B, District Lots 319, 323 and 324, Plan 1685; PIDs: 014-424-223 and 014-424-231 respectively
Developer	Maiway Investment Ltd.
Architect	NORR Architects Planners Inc.
Property Owners	Maiway Investment Ltd.

Development Statistics

	Development Permitted Under Existing Zoning	Proposed Development
ZONING	RM-3A	CD-1
SITE AREA	1,157.6 sq. m (12,460 sq. ft.)	1,157.6 sq. m (12,460 sq. ft.)*
USES	Multi-Family Dwelling	Multi-Family Dwelling
FLOOR AREA	1562.8 sq. m (16,823 sq. ft.)	2,894 sq. m (31,152 sq. ft.)
FLOOR SPACE RATIO (FSR)	1.35 FSR	2.5 FSR
HEIGHT	10.7 m (35 ft.)	20.0 m (66 ft.)
PARKING, LOADING AND BICYCLE SPACES	as per Parking By-law	as per Parking By-law

*Note: Before dedications