



## POLICY REPORT

Report Date: February 26, 2019  
Contact: Karen Hoesé  
Contact No.: 604.871.6403  
RTS No.: 13035  
VanRIMS No.: 08-2000-20  
Meeting Date: March 12, 2019

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Rezoning: 2715 West 12th Avenue

### **RECOMMENDATION**

- A. THAT the application, by MCM Partnership and JTA Development Consultants on behalf of 2715 West 12th Investments Ltd., to rezone 2715 West 12th Avenue [Lot A and B, both of Block 81, District Lot 540, Plan 6057, PIDs: 010-981-837 and 010-981-853 respectively] from RS-7 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 0.70 to 1.42 and the building height from 10.7 m (35.1 ft.) to 12.2 m (40.0 ft.) to permit the development of two 3.5 storey residential stacked townhouse buildings with 14 for-profit affordable rental housing units, be referred to a Public Hearing, together with:
- (i) plans prepared by MCM Partnership, received on August 21, 2018;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application in principle, including approval in principle of the form of development, subject to the Conditions of Approval contained in Appendix B;

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

- B. THAT, if after Public Hearing, Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Arts, Culture and Community Services.

- C. THAT 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 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 two lots located at 2715 W 12th Avenue from RS-7 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit the development of two 3.5 storey residential stacked townhouse buildings with 14 for-profit affordable rental housing units. The site is located in Kitsilano and is being considered under the *Affordable Housing Choices Interim Rezoning Policy* (AHC policy).

Staff have assessed the application and conclude that it generally meets the intent of the AHC policy. The application is also consistent with the Development Cost Levy (DCL) By-law definition of “for-profit affordable rental housing” for which DCLs may be waived, as well as with the Parking By-law definition of “secured market rental housing” for which a reduced parking requirement may be applied.

If approved, the application would contribute 14 for-profit affordable rental housing units towards achieving the City’s goals identified in the *Housing Vancouver Strategy*. Staff recommend the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to the Public Hearing, along with the Conditions of Approval outlined in Appendix B.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- *Affordable Housing Choices Interim Rezoning Policy (2012, amended 2018)*
- *Housing Vancouver Strategy (2017)*
- *Rental Incentive Guidelines (2012, amended 2018)*
- *RS-7 District Schedule and Design Guidelines (2016)*
- *High-Density Housing for Families with Children Guidelines (1992)*
- *Family Room: Housing Mix Policy for Rezoning Projects (2016)*
- *Green Buildings Policy for Rezonings (2010, last amended 2018)*
- *Community Amenity Contributions through Rezonings (last amended 2018)*
- *Vancouver Development Cost Levy By-law No. 9755 (2008, last amended 2018)*

## REPORT

### Background/Context

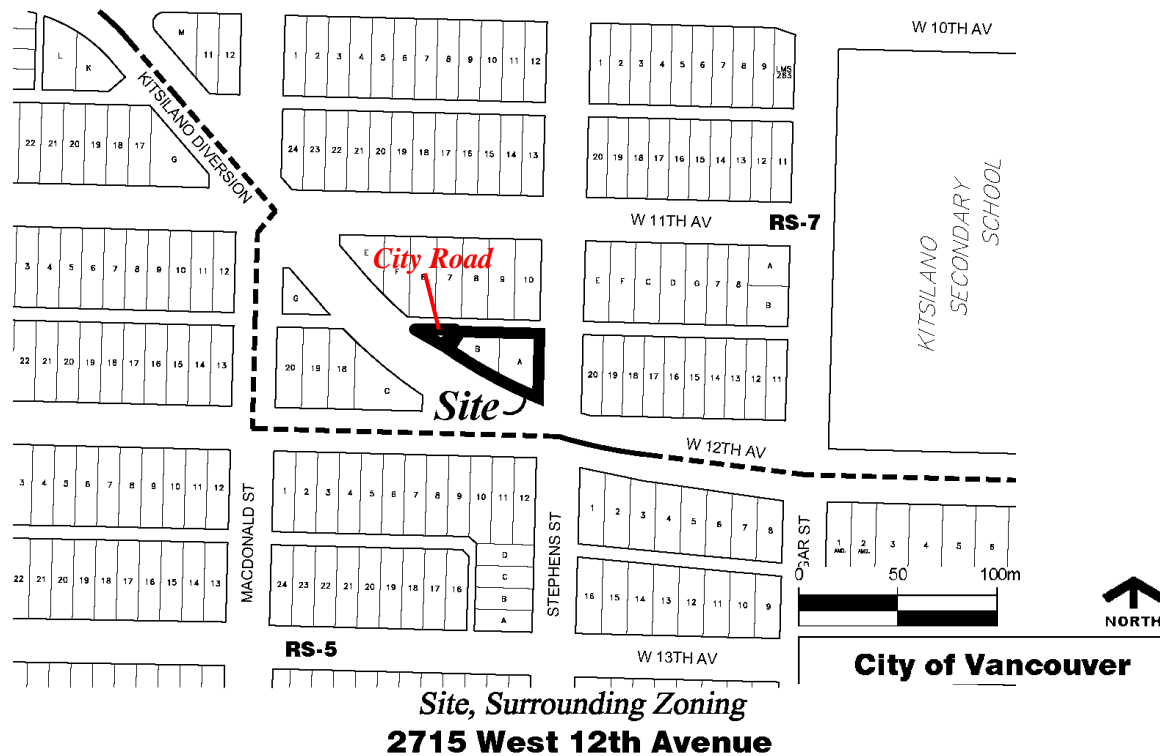
#### 1. Site and Context

This site is located on the northwest corner of West 12th Avenue and Stephens Street. The site has a triangular shape due to the adjacent Kitsilano Diversion. The site area is 872.2 sq. m (9,387.9 sq. ft.), which includes a surplus portion of the Kitsilano Diversion (road). The closure and sale of the road portion to the applicant at market value, which is to be separately decided upon at the sole and unfettered discretion of Council, is set out in Part 2 of Appendix B as a condition of rezoning enactment.

The site is occupied by a church building constructed in 1948, which is currently vacant and not a candidate for addition to the Vancouver Heritage Register. No residential units or tenants are currently present on site.

The site is zoned RS-7, which permits multiple residential units within a single-family dwelling typology. The RS-7 zone extends north, and is developed with single family dwellings across the lane. Across 12th Avenue to the south, the current zoning is RS-5, a single family zone. One block east is the Kitsilano Secondary School.

Figure 1: Location Map



## 2. Policy Context

**Affordable Housing Choices Interim Rezoning Policy** – On October 3, 2012, Council approved the *Affordable Housing Choices Interim Rezoning Policy* (AHC policy) aimed at encouraging innovation and enabling real examples of affordable housing types. This is the enabling policy allowing consideration of rezoning on this site. Rezoning applications considered under the AHC policy must meet a number of criteria regarding affordability, form of development, and location (see AHC policy location map in Appendix C). Along this section of 12th Avenue, development up to 3.5 storeys may be considered.

**Housing Vancouver Strategy (2017)** – In November 2017, Council approved the *Housing Vancouver Strategy (2018-2027)* and *3-Year Action Plan (2018-2020)*. The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The *Housing Vancouver* targets were based on the core goals of retaining diversity of incomes and households in the city, shifting housing production towards rental to meet the greatest need, and coordinating action with partners to deliver housing for the lowest income households. Overall, 72,000 new homes are targeted for the next 10 years, including 12,000 social, supportive and non-profit co-operative units and 20,000 purpose-built rental units. Nearly 50 per cent of the new units will serve households earning less than \$80,000 per year, and 40 per cent will be family-size units. This application will contribute towards the targets for purpose-built market rental units and units for families.

**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. These incentives include, additional floor area subject to urban design review, parking relaxations, a Development Cost Levy 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.

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

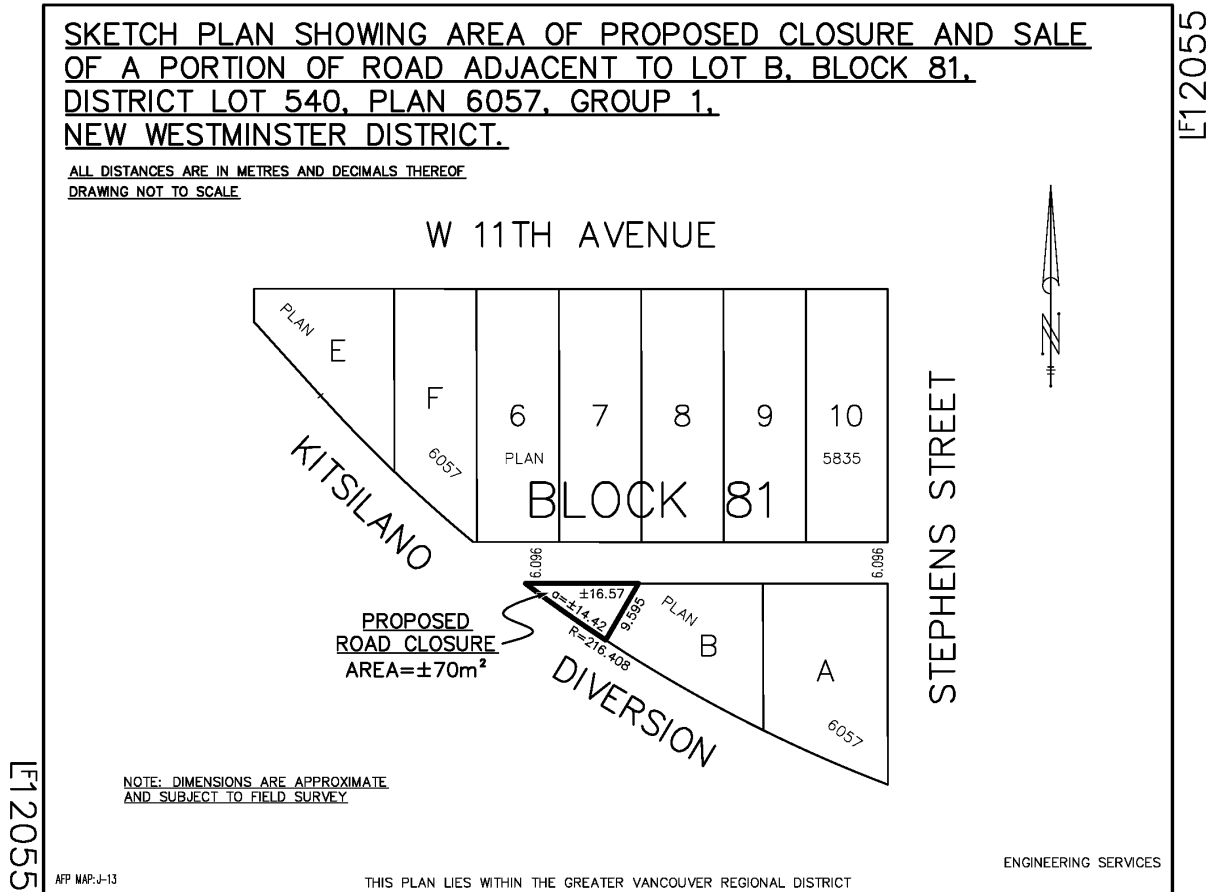
## 3. Sale of Surplus City Road

The City was approached about the possibility of including the City-owned portion of road, located immediately adjacent to the subject site, as part of the site assembly for which this application would be submitted.

The Vancouver Charter authorizes Council to dispose of City-owned property/road deemed surplus to the City's needs. Council policy further allows for the direct sale of City-owned lands without a public tendering process in certain circumstances, including where City-owned lands are essential to an assembly or expansion project. In this case, a direct sale of the City-owned road will enable the consolidation of the site to facilitate the optimum development of the block. The sale of the City-owned road shown in Figure 2 to this applicant is subject to approval in principle of this rezoning application. If this application is referred to and approved in principle at a public hearing, then prior to enactment of the rezoning, the General Manager of Engineering Services will bring a report to Council to obtain Council approval to stop-up, close and sell the

City road to the applicant. This decision will be at the sole and unfettered discretion of Council as owner of the City road.

**Figure 2: City Property (Road) at Kitsilano Diversion South of West 11th Avenue**



## Strategic Analysis

### 1. Proposal

The original application date for this rezoning was August 3, 2017, proposing one building with 15 stacked townhouses at 1.50 FSR. Based on public feedback, Urban Design Panel advice and staff review, a subsequent design package was resubmitted. This report is based on the resubmitted drawings from August 21, 2018.

In accordance with the AHC policy, this application proposes two 3.5 storey stacked townhouse buildings with a total of 14 for-profit affordable rental housing units (see Figure 3). The proposed building height is 11.5 m (37.7 ft.) and the proposed density is 1.42 FSR. The total floor area proposed is 1,235.4 sq. m (13,298.2 sq. ft.). Three vehicle parking spaces (two dedicated car-share and one accessible) are proposed along with 19 bicycle parking spaces at grade with no underground parking.

**Figure 3: Streetscape Elevation along West 12th Avenue**

## 2. Land Use

This site located at 2715 West 12th Avenue is zoned RS-7 (One-family Dwelling) District. The intent of the RS-7 District Schedule and Design Guidelines are to maintain the single-family residential character while allowing multiple-family dwellings and infill dwellings on larger lots, as well as enhancing neighbourhood features through design. The inclusion of the road portion in the proposal allows for a more efficient use of land and effective development layout. This proposal includes residential land uses and is consistent with the AHC policy.

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

The *Affordable Housing Choices Interim Rezoning Policy* permits consideration of additional height and density along this section of 12th Avenue up to 3.5 storeys to support secured market rental developments, subject to urban design performance. As the policy is informed by local guidelines, staff have evaluated the proposal against the RS-7 Design Guidelines, which encourage development compatible with surrounding building scale and massing, including respect for privacy and solar access.

The original rezoning application proposed one building with 1.50 FSR and 15 stacked townhouse units. Responding to feedback from the public, the Urban Design Panel and the staff review, the proposal has been revised to include two separate buildings with a density of 1.42 FSR and a total of 14 units. The unit sizes have been reduced slightly, improving overall affordability. The children's play area has been relocated from the north to the south side of the development, which will significantly improve solar access and activate the central portion of the site.

The west building is oriented to front 12th Avenue and the east building is oriented towards Stephens Street. Both buildings express a 3.5 storey massing with the top floors largely contained within pitched roofs that spring from the third floor. The massing is broken up into repetitive vertical modules with a design emphasis on individual entry doors, front porches, and patios activating the street frontages.

The front setback along 12th Avenue is 3.65 m (12 ft.) which provides a compatible front setback with properties across Stephens Street. The east building is set back from Stephens Street by 3.65 m (12 ft.). The resulting side yard is larger than the existing condition. These setbacks help to create a respectful and inviting streetscape and appropriate fit within the

neighbourhood context. Due to the irregular shape of the site, the rear setback to the lane varies ranging from 0.9-3.0 m (3-10 ft.) for the west building and 8.5 m (28 ft.) for the east building.

Urban design conditions in Part 1 of Appendix B are included to improve livability of the proposed ground level units and to improve the street interface by raising the proposed sunken patios. Staff determined that additional height may be required to meet these conditions which improve safety and livability. The proposed CD-1 By-law is recommended to include additional height not to exceed 12.2 m (40 ft.) as generally outlined in Appendix A. Staff have assessed the additional height of 0.7 m (2.3 ft.) and determined that no additional significant impacts result and that the proposal remains in keeping with the scale and character of the area. No significant shadow impacts result from the proposal and all units are provided with private open spaces. The proposal meets the AHC policy and is generally consistent with the intent of the surrounding RS-7 zone.

**Figure 4: Landscape Plan**



The Urban Design Panel reviewed this application on October 2, 2017 and supported the project with recommendations (see Appendix C). Staff have concluded that the density, massing and height are appropriate to the location. Staff are supportive of the application subject to the conditions outlined in Appendix B. The conditions include reduction of the secondary roof height, improvements to livability of the units, interface improvements for walkways and the children's play area, and design development to the front yards.

#### 4. Housing

This application meets the requirements of the AHC policy and would deliver 14 for-profit affordable rental housing units in the form of ground-oriented one-bedroom, two-bedroom and three-bedroom units. This application would deliver approximately 79% of all units as family-oriented units in the form of 5 two-bedroom and 6 three-bedroom units, thereby exceeding the minimum 35% family unit requirement within the *Family Room: Housing Mix Policy in Rezoning Projects*.

All 14 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, which will preclude the stratification and/or

separate sale of individual units and secure the initial rents. The addition of 14 new secured for-profit affordable rental housing units to the City's inventory of market rental housing contributes toward the *Housing Vancouver* targets (see Figure 5). Conditions related to securing the units are contained in Appendix B.

**Figure 5: Progress Towards 10-Year Housing Vancouver Targets for Secured Market Rental Housing as of December 31, 2018**

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

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

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

### Vacancy Rates

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

### DCL Waiver

The applicant has requested and qualifies for a waiver of DCLs for the residential floor area (see Appendix E) in exchange for meeting maximum average initial rental rates and unit sizes. The applicant has estimated the rental rates for each unit type. Figure 6 shows household incomes at which the proposed rents are affordable.

**Figure 6: Proposed Rents and Affordability by Household Income**

	<b>2715 W 12<sup>th</sup> Ave Average Proposed Rents</b>	<b>Household Income Ranges at which the Proposed Rents are Affordable<sup>1</sup></b>
Studio	\$1,768	\$70,000 - \$79,999
1-bed	\$2,056	\$80,000 - \$89,999
2-bed	\$2,703	\$100,000 - \$124,999
3-bed	\$3,559	\$125,000 - \$149,999

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

Figure 7 compares proposed rents to average rents in newer buildings in the west area of Vancouver. When compared to home ownership costs, the proposed rents in this application will provide an affordable alternative to homeownership, particularly for the larger units.



**Figure 7: Comparable Average Market Rents and Home-Ownership Costs (Westside)**

	<b>2715 West 12th Avenue - Average Proposed Rents</b>	<b>Average Market Rent in Newer Buildings - Westside (CMHC, 2018)<sup>1</sup></b>	<b>DCL By-Law Maximum Averages - Westside (CMHC, 2018)<sup>2</sup></b>	<b>Monthly Costs of Ownership for Median-Priced Unit – Westside (BC Assessment 2017)<sup>3</sup></b>
Studio	\$1,768	\$1,694	\$1,768	\$2,670
1-bed	\$2,056	\$1,873	\$2,056	\$3,333
2-bed	\$2,703	\$2,689	\$2,703	\$5,444
3-bed	\$3,559	No data available	\$3,559	\$8,328

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

2. The maximum DCL rents for the Westside of Vancouver are the average rents for all residential units built since the year 2005 city-wide as published by CMHC in the Fall 2018 Rental Market Report plus 10%.

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

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

The DCL By-law allows for rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum allowable increases under the Province's Residential Tenancy Act. A final rent roll that sets out the initial monthly rents for all units will be required prior to issuance of the occupancy permit in order to ensure compliance with the maximum increases authorized by the DCL By-law. After occupancy, rent increases are regulated by the Residential Tenancy Act.

Through the Development Permit application process, the City will ensure that average unit sizes do not exceed the maximum thresholds set out by DCL By-law.

### Tenants

Currently the site is occupied by a vacant church building. No existing residential units or tenants are impacted by this application.

## **5. Transportation and Parking**

The application proposes two shared vehicle parking spaces, one accessible parking space and 19 Class A bicycle spaces. The Vancouver Parking By-law requires a minimum of 10 residential spaces and one visitor space for a total of 11 vehicle spaces and 18 Class A bicycle spaces.

Based on the challenges of providing underground parking due to site size and configuration, and the limited number of spaces required, Engineering supports the proposed parking as a satisfactory transportation demand strategy to serve this development.

To assess any potential parking impacts on the neighbourhood, a consultant study was provided as part of the rezoning application. The study demonstrates that on-street parking capacity currently exists within the neighbourhood to accommodate anticipated modest demand from the proposed development. The two proposed dedicated on-site shared vehicle spaces will also

serve as an amenity for the surrounding neighbourhood, offering increased convenience and diversity of transportation options.

The subject site is well served by transit. Frequent bus service is available one block away (north-south along MacDonald Street direct to the downtown core) and three blocks away (east-west along Broadway, including 99 B-Line service).

Engineering conditions of approval are set out in Appendix B.

## **6. Environmental Sustainability**

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

This applicant is required to satisfy the *Green Buildings Policy for Rezoning*s and is pursuing the low emissions green buildings requirements. The low emissions green buildings pathway represents City priority outcomes, establishing limits on heat loss, energy use, and greenhouse gases, and drawing on industry best practices to create more efficient, healthy and comfortable homes and workplaces.

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

### ***Public Input***

**Public Notification** – Rezoning information signs were installed on site on September 27, 2017. Approximately 344 notification letters were distributed within the neighbouring area on or about September 27, 2017. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).

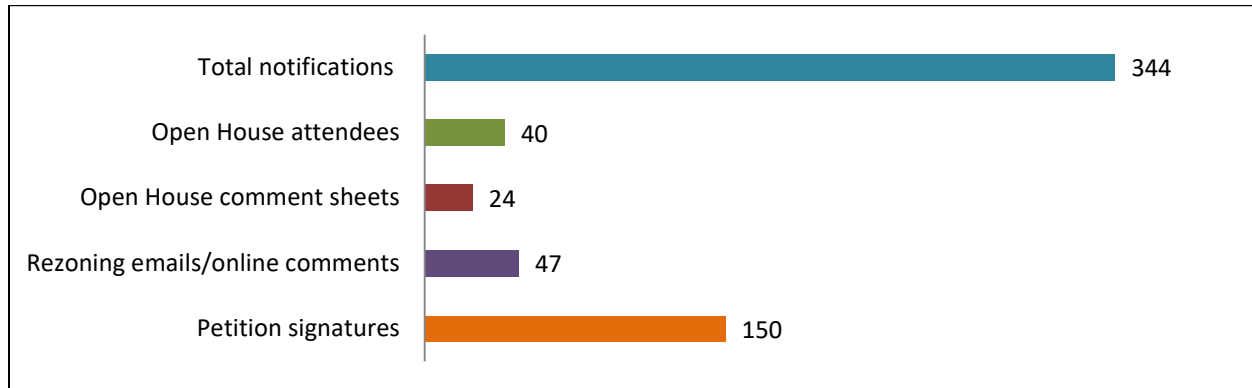
**Community Open House** – A community open house was held on October 11, 2017 at the St. James Hall, located at 3214 West 10th Avenue. Staff, the applicant team, and approximately 40 people attended the open house.

**Additional Notifications** – In response to the revised application submitted in August 2018, site signage was updated on September 24, 2018, with a banner indicating that revisions were made to the application. Project revision details were included in a second mail out to approximately 373 households, distributed on or about September 20, 2018. In addition to residents and owners within the notification area, this mailing list included open house attendees who indicated a desire for further project updates. Open House attendees who preferred email updates were contacted on September 21, 2018. Revisions were also highlighted on the City's Rezoning Centre webpage.

**Public Response** – Public responses to the proposal have been submitted to the City as follows (see figure 8):

- 24 comments sheets in response to the October 11, 2017 open house;

- 32 emails and online comments; and
- A formal petition letter, signed by 150 local residents, received on November 29, 2017.

**Figure 8: Public Notification and Responses**

A summary of the key themes from the public feedback is provided below.

*Support for the proposal cited the following:*

- Provision of new rental housing
- Building design and form
- Appropriate density increase
- Support for car share/reduced parking

*Concerns expressed by respondents included the following:*

- Impacts to on-street parking/not enough parking provided
- Density too high
- Traffic safety and congestion

The formal petition letter received on November 29, 2017 was in response to the original application and cited the concerns noted above with primary concerns around the number of units proposed, the building height, the amount of parking provided, increases in traffic and resident safety.

A more detailed summary of public comments on the application is provided in Appendix C.

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

#### Height and Density

The proposed height and density meets the intent of the AHC policy and is similar in scale to the permitted height of 10.7 m (35 ft.) for the area. The application was revised and resubmitted responding to public feedback, the Urban Design Panel and staff review. The resubmission reduces the FSR from 1.50 to 1.42, breaks up the massing into two discreet buildings, and reduces the total unit count from 15 to 14, while also improving site circulation and open space. On this basis, urban design analysis concluded that the height and density proposed is an appropriate fit for the neighbourhood context, subject to Conditions of Approval in Appendix B.

### Traffic and Parking

Providing underground parking on this site is challenging due to the configuration of the site and the limited scale of the project. This additional cost would significantly affect the feasibility of the proposal. To assess any potential parking impacts on the neighbourhood, a consultant study was undertaken as part of the rezoning application. The study demonstrates that on-street parking capacity currently exists within the neighbourhood and that demand at some times of the week may be reduced compared to the previous Church use, which currently provides no on-site parking.

The lack of excavated underground parking offers further ecological benefits for on-site storm water infiltration and supports full-sized mature tree growth on soils at grade.

The Conditions of Approval in Appendix B include the closure of the existing lane at Kitsilano Diversion. This lane access is currently being used as an unsanctioned access, which results in dangerous vehicle movements. Reinforcing the closure of the access using bollards and/or landscaping will improve safety in the local area.

The intent of the AHC policy is to support projects which use various means to achieve a certain level of affordability and in this case deliver secured market rental units otherwise not possible through rezoning.

### ***Public Benefits***

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

#### **Required Public Benefits**

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

This site is subject to City-wide DCL and City-wide Utilities DCL on the proposed 1,235.4 sq. m (13,298.2 sq. ft.) of residential floor area.

In accordance with the provisions of Section 3.1A of the Vancouver DCL By-law, the applicant has requested a waiver of the DCLs attributed to the residential floor area as for-profit affordable rental housing. Based on the September 30, 2018 rates, the value of the DCL waiver is approximately \$187,768. A review of how the application meets the waiver criteria is provided in Appendix E.

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

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

## **Offered Public Benefits**

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

The *Community Amenity Contributions - Through Rezonings* policy provides an exemption for routine, lower density secured market rental rezoning applications that align with the *Affordable Housing Choices Policy (2012)* and *Rental Incentive Guidelines (2017)*. Staff note that the application is eligible for this CAC exemption. The offered public benefit achieved for this application is 14 secured for-profit affordable rental housing units.

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

## ***Financial Implications***

The site is subject to both City-wide DCL and City-wide Utilities DCL. The residential component of the proposed project is expected to qualify for a DCL waiver as for-profit affordable rental housing, and the value of the waiver is estimated at \$187,768.

The 14 units of for-profit affordable rental housing, secured by a Housing Agreement and Section 219 Covenant for the longer of the life of the building or 60 years, will be privately owned and operated.

No additional CAC or public art contribution is applicable.

## **CONCLUSION**

Staff have reviewed the application to rezone the site at 2715 West 12th Avenue from RS-7 to CD-1 to permit development of 14 for-profit affordable rental housing units, and conclude the application is consistent with the objectives of the *Affordable Housing Choices Interim Rezoning Policy*. The application qualifies for incentives provided to for-profit affordable rental housing, including additional height and density, a DCL waiver, and a parking reduction. Staff further conclude that the proposed form of development represents an appropriate urban design response to the site and context. If approved, this application would make a contribution to the achievement of key housing goals of the City.

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

\* \* \* \* \*

**2715 West 12th Avenue**  
**DRAFT BY-LAW PROVISIONS**

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

**Zoning District Plan Amendment**

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

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

**Designation of CD-1 District**

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

**Uses**

3. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 ( ), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
  - (a) Dwelling Uses, limited to Infill One-Family Dwelling, Infill Two-Family Dwelling, Multiple Conversion Dwelling, Multiple Dwelling, and One-Family Dwelling with Secondary Suite;
  - (b) Retail Uses, limited to Public Bike Share; and
  - (c) Accessory Uses customarily ancillary to the uses permitted in this Section.

**Conditions of Use**

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

### **Floor Area and Density**

- 5.1 Computation of floor space ratio must assume that the site consists of 872.2 m<sup>2</sup>, prior to any dedications.
- 5.2 The floor space ratio for all uses must not exceed 1.42.
- 5.3 Computation of floor area must include all floors of all buildings, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.
- 5.4 Computation of floor area must exclude:
- (a) open residential balconies or sun decks and any other appurtenances, which in the opinion of the Director of Planning are similar to the foregoing, except that:
    - (i) the total area of all such exclusions must not exceed 12% of the permitted floor area; and
    - (ii) the balconies must not be enclosed for the life of the building;
  - (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
  - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment or uses, which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
  - (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum of 10% of the total permitted floor area; and
  - (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 5.5 The use of floor area excluded under section 5.4 must not include any use other than that which justified the exclusion.

### **Building Height**

6. Building height, measured from base surface to top of parapet, must not exceed 12.2 m.

### **Horizontal Angle of Daylight**

- 7.1 Each habitable room must have at least one window on an exterior wall of a building.
- 7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70

degrees, to encounter no obstruction over a distance of 24.0 m.

- 7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.
- 7.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if:
- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
  - (b) the minimum distance of unobstructed view is not less than 3.7 m.
- 7.5 An obstruction referred to in section 7.2 means:
- (a) any part of the same building including permitted projections; or
  - (b) the largest building permitted under the zoning on any site adjoining CD-1 ( ).
- 7.6 A habitable room referred to in section 7.1 does not include:
- (a) a bathroom; or
  - (b) a kitchen whose floor area is the lesser of:
    - (i) 10% of less of the total floor area of the dwelling unit; or
    - (ii) 9.3 m<sup>2</sup>.

### **Acoustics**

8. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustic engineer demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be defined simply as noise level in decibels.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

### **Zoning and Development By-law**

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



**2715 West 12th Avenue**  
**CONDITIONS OF APPROVAL**

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

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

*Note: Consideration by Council at the public hearing of the proposed form of development is in reference to plans prepared by MCM Partnership, stamped received August 21, 2018, and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.*

THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to the following:

**Urban Design**

1. Design development to improve the livability, as follows:

- (a) Raise the west building to ensure the lowest storey is not located more than 0.6 m (2 ft.) below grade of fronting sidewalk along West 12th Avenue.

Note to Applicant: This condition may result in a building height increase of approximately 2 ft. A stepped form is recommended to manage the overall building height and the grade relationship to the lowest storey. See Urban Design 3(a).

- (b) Raise the east building to ensure the lowest storey is not located more than 0.9 m (3 ft.) below grade of fronting sidewalk along Stephens Street.

Note to Applicant: This condition may result in an increase of the building height by approximate 3 ft. A stepped form is recommended to manage the overall building height and the grade relationship to the lowest storey.

- (c) Provide usable private open space for each unit.

Note to Applicant: This can be achieved by increasing the depth of front porches and balconies to a minimum of 5 ft.

- (d) Improve daylight access to the bedrooms on the top floor.

Note to Applicant: Skylights can be considered provided the design of the skylight does not alter the desirable roof height and massing.

- (e) Enhance visual privacy for private open space, such as between porches and patios located below, through landscape screening and other measures.

2. Reduce the height (in comparison to main roof ridge) of secondary roofs including the flat roofs and side gable roofs, where possible.

Note to Applicant: The intent of this condition is to emphasize the expression of a 3.5 storey massing. The ceiling height within the flat roof can be reduced from 9 ft. to approximately 7 ft. See Urban Design condition 1(d).

3. Design development to improve the interface along West 12th Avenue and Stephens Street as follows:

- (a) Reduce the depth of sunken patios for the west building to ensure no sunken patio is more than 0.6 m (2 ft.) below grade of fronting sidewalk of West 12th Avenue.

Note to Applicant: The sunken patios should not trigger a guardrail requirement in the front yard. This condition can be achieved in conjunction with the Urban Design condition 1(a).

- (b) Remove sunken patios on east building.

Note to Applicant: The intent is to create a more compatible front yard and visual public realm with the existing character of the neighbourhood.

4. Design development to improve the interface between the east building, the play area and adjacent walkways, as follows:

- (a) Add windows to the west elevation of the east building; and
- (b) Add Juliet balconies on the west side of units 13 and 14.

Note to Applicant: The intent of this condition is to improve the casual surveillance to the play area and walkway, and to add more visual interest to the façade.

5. 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/gudelines/B021.pdf>

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

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

## Landscape Design

7. Design development to explore the retention of on-site tree #6.

Note to Applicant: It is expected that all developments will adhere to Council's approved *Urban Forest Strategy*, by retaining viable trees at the site edges (thereby still allowing development), including some site trees, all City trees and all adjacent property trees. It is understood that this may require revisions to the building footprint. A revised Arborist Report should document and make recommendations for methods of protection for trees to be retained.

8. Design development to confirm the retention of tree #101. Any necessary canopy pruning should be done by Park Board personnel. The arborist should be on site during excavation for the foundation. Contact Park Board if roots greater than 2 ft. are found. Also contact Park Board when the sidewalk slabs are to be removed, ahead of new curb and sidewalk installation.
9. Design development to explore the possibility of providing a green screen in front of the PMT to minimize visual impacts for the adjacent unit, while still allowing the required access.
10. Verification of adequate soil volume for proposed planting, by providing detailed dimensions (depths, widths etc.) on the landscape sections and applicable architectural sections.

Note to Applicant: Soil depths should exceed Canadian Landscape Standards, specifically, a minimum of 3 ft. growing medium depth should be provided for all tree plantings.

11. Design development to ensure that the landscape plan used in the sustainability report is up to date.
12. Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

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

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

Note to Applicant: the sections should illustrate, the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

14. 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.

15. 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.

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

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

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

18. Provision of an outdoor Lighting Plan.

19. 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: Illustrate on landscape plans irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed. Hose bibs are requested to encourage patio gardening and hand watering on private patio and amenity decks.

## Sustainability

20. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended February 7, 2017), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings.

The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on

the above requirements and what must be submitted at each stage, refer to the most recent bulletin Green Buildings Policy for Rezoning – Process and Requirements (amended April 28, 2017 or later).

### Engineering Services

21. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.
22. Street Use Impacts – Broadway Corridor: This application falls within an area of potential impact due to Broadway Millennium Line construction. From 2019 to 2025, street use along Broadway will be significantly restricted; please contact the City of Vancouver Rapid Transit Office ([rapidtransitoffice@vancouver.ca](mailto:rapidtransitoffice@vancouver.ca)) for more information on potential impacts to access and street use for your project. Provide a letter confirming acknowledgement of the condition and that you have contacted the Rapid Transit Office for more detailed information.
23. 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.
24. 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.
25. Provide automatic door openers on the doors providing access to the bicycle room and note on plans.
26. All parking spaces to be numbered and dimensioned on the drawings.
27. Delete the gate and portion of fence shown at the east property line encroaching onto City Street (Page A011).
28. 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.”*

### Green Infrastructure

29. Staff are seeking a detailed response toward the Citywide *Integrated Rainwater Management Plan* (IRMP) requirements outlined in the “*Green Buildings Policy for Rezoning*”. Provide a Rainwater Management Plan (RMP) that details how the rainwater management system meets the IRMP requirements for infiltration, cleaning and safe conveyance, prepared by a subject matter expert (Engineer) and signed/sealed by same, subject to review.

- (a) In instances of a zero lot line design staff will consider:
- (i) The first 24 mm of rainfall within 24 hours as a retention volume for runoff reduction instead of infiltration value;
  - (ii) Retention can be achieved through rainwater reuse, in green roofs and planter boxes, or slow release detention such as lined permeable pavement systems;
  - (iii) The second 2 mm of rainfall within 24 hours as a water quality volume to be treated.

Note to Applicant: Staff will not accept the principle that distinct site areas that have large infiltration and/or storage capacity in some way compensate for those areas of the site that are impervious, without the runoff from the impervious areas being directed towards these absorbent areas, and this being clearly demonstrated.

- (b) Submit a plan illustrating how rainfall is directed from impermeable surfaces into planted or other storage/treatment areas.
- (c) Provide outline area/volume calculations to support the overall rainwater management strategy. Include the area measurement for all pervious/impervious areas and demonstrate that each of the receiving infiltration/treatment areas can accommodate the proposed runoff volumes without being inundated.

Note to Applicant: Staff do not accept the inclusion of off-site areas in calculations for infiltration. It appears that some turf grass areas and ground level pollinator gardens that are outside the site boundary have been included in the calculations.

- (d) Describe how the rain barrels will function. They should provide a slow release to landscaped areas rather than rely on homeowners to use them throughout the year.
- (e) Vegetated areas on slab, while not infiltration, will be considered as rainwater retention/runoff reduction and water quality practices:
- (i) Planters designed as flow-through planters can be used to meet the treatment volume requirement; and
  - (ii) Consider increasing the depth of soil throughout planted areas and include shallow ponding depths within the planted areas as part of the calculations.

Note to Applicant: Legal arrangements may be required to ensure on-going operations of certain rainwater storage, rainwater management and green infrastructure systems.

## **Housing**

30. That the proposed unit mix, 21% 1-bedroom, 36% 2-bedroom and 43% 3-bedroom units, be included in the Development Permit drawings.

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

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

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

THAT, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the General Manager of Arts, Culture and Community Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### **Engineering Services**

1. Closing, stopping up and conveying to the owner the required portion of road west of Stephens Street south of West 11th Avenue, subsequent to Council approval and prior to enactment.

Note to applicant: The road must be purchased from the City at market value and be paid for prior to enactment. If enactment does not take place within a reasonable timeframe, the City reserves the right to re-value the lane.

2. Consolidation of the closed portion of road with Lots A & B, both of Block 81, District Lot 540, Plan 6057 to form a single development site.
3. Provision of a building setback and a surface Statutory Right of Way (SRW) on West 12th Avenue to achieve a 4.5 m distance from the back of the existing City curb. The SRW will be free of any encumbrance at grade such as structure, walls, stairs, door swing, parkade vents, landscape etc.
4. Applicant to enter in to a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of two (2) Shared Vehicles and the provision and maintenance of two (2) Shared Vehicle Parking Spaces for use exclusively by such on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:
  - (a) Provide (2) Shared Vehicles to the development for a minimum period of (3) years;

- (b) Enter into an agreement with a Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicles;
- (c) Provide and maintain the Shared Vehicle Parking Spaces for use exclusively by such shared vehicles;
- (d) Make arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Spaces;
- (e) Provide security in the form of a Letter of Credit for \$50,000 per Shared Vehicle;
- (f) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions; and
- (g) Provision of a letter of commitment from a car share company indicating their willingness to supply car share vehicles on the site at building occupancy.

Note to Applicant: Shared vehicle spaces are required to be a minimum width of 2.9 m and the spaces must be dimensioned on the drawings.

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

- (a) 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 should be adequate to service the development. No upgrades currently noted. Supply project details including confirmed fire flow calculations based on the Fire Underwriter's Survey's document, Water Supply for Public Fire Protection, sprinkler demand based on NFPA 13/14, average day domestic water demands, and peak hour domestic water demands (sealed by a qualified Engineer) to confirm that water system upgrades are not required.

Should review of the confirmed project details deem upgrading is necessary then arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment for the upgrading. The developer is responsible for 100% of any water system upgrading that may be required.

Note to Applicant: The above analysis assumes the proposed building will not utilize wood-frame construction. Should the developer choose wood-frame construction, the water analysis completed above may not be valid. Contact Water Design for details.



- (b) Design and construct 48 m of 250 mm storm sewer on Stephens Street from West 12th Avenue to lane north of West 12th Avenue.
- (c) The storm sewer catch basins on Stephens Street in the lane north of West 12th Avenue shall tie into new storm sewer.
- (d) Design and construct 25 m of 200 mm sanitary sewer on Stephens Street from West 12th Avenue to north of the proposed service connection.
- (e) The lengths and diameters of these improvements are approximate and to subject to detailed design by Developer's Engineer.
- (f) The post-development 5-year storm flow rate discharged to the sewer shall be no greater than the 5-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curves, whereas the post-development estimate shall utilize the 2100 IDF curves to account for climate change.
- (g) Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. Submittals to be reviewed and accepted by City Engineer.
- (h) This development shall be serviced to the new storm and sanitary sewers on Stephens Street.
- (i) 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.
- (j) 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.
- (k) Provision of a 2.14 m (7 ft.) sod lawn front boulevard and a 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on West 12th Avenue.
- (l) Provision of a 0.92 m (3 ft.) sod lawn back boulevard and a 1.83 m (6 ft.) light broom finish saw cut concrete sidewalk on Stephens Street. Note that the intent

of setting the back boulevard relative to the sidewalk is to ensure that the retained tree does not buckle the new sidewalk in the near future.

- (m) Provision of lane reconstruction adjacent to the site to eliminate vehicle access to/from Kitsilano Diversion, by the placement of landscaping and bollards. Lane alterations to include re-profiling, surfacing, relocation of catch basins, and adjustments to other infrastructure, as necessary.

- (n) Provision of new curb and gutter on Stephens Street adjacent the site including adjustment to all existing infrastructure to accommodate the proposed street improvements.

Note to TOE: the large tree adjacent to the site is to be retained and may require a design with limited or no parking to keep the new curb as far away from the tree as possible.

- (o) 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.
- (p) Provision of lane lighting on standalone poles with underground ducts.
- (q) Provision of funds for LED lighting at the intersection of Stephens Street and West 12th Avenue.
- (r) Provision of funds for LED lighting at the signal at Trafalgar and West 12th Avenue.
- (s) Provision of funds towards a curb bulge on the NW corner of Stephens and West 12th Avenue.
- (t) Provision of funds towards a curb on West 12th Avenue.
- (u) Provision of \$20,000 towards traffic calming on the lane.

- 6. Provision of all utility services to be underground from the closest existing suitable service point. All electrical services to the site must be primary with all electrical plant, which include but not limited to System Vista, Vista switchgear, pad mounted transformers, LPT and kiosks (including non-BC Hydro kiosks) are to be located on private property with no reliance on public property for placement of these features.

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

Note to Applicant: Please ensure that consultation with B.C. Hydro includes an area 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

7. Make arrangements to the satisfaction of the General Manager of Arts, Culture and Community Services and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant securing all residential units as for-profit affordable housing units for the longer of 60 years and life of the building, subject to the following additional conditions:
- (a) A no separate-sales covenant.
  - (b) A no stratification covenant.
  - (c) That none of such units will be rented for less than one month at a time.
  - (d) That a rent roll be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into , prior to development permit issuance and prior to DCL calculations during building permit.
  - (e) That the average initial starting monthly rents for each unit type will be at or below the following rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	2715 West 12th Avenue Proposed Average Starting Rents
Studio	\$1,768
1-bedroom	\$2,056
2-bedroom	\$2,703
3-bedroom	\$3,559

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

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

## Soils

8. If applicable:
- (a) Submit a site profile to Environmental Services (Environmental Protection);

- (b) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (c) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed pursuant to this rezoning until separate Certificates of Compliance satisfactory to the City for the on-site and off-site contamination, issued by the Ministry of Environment, have been provided to the City.

Note: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

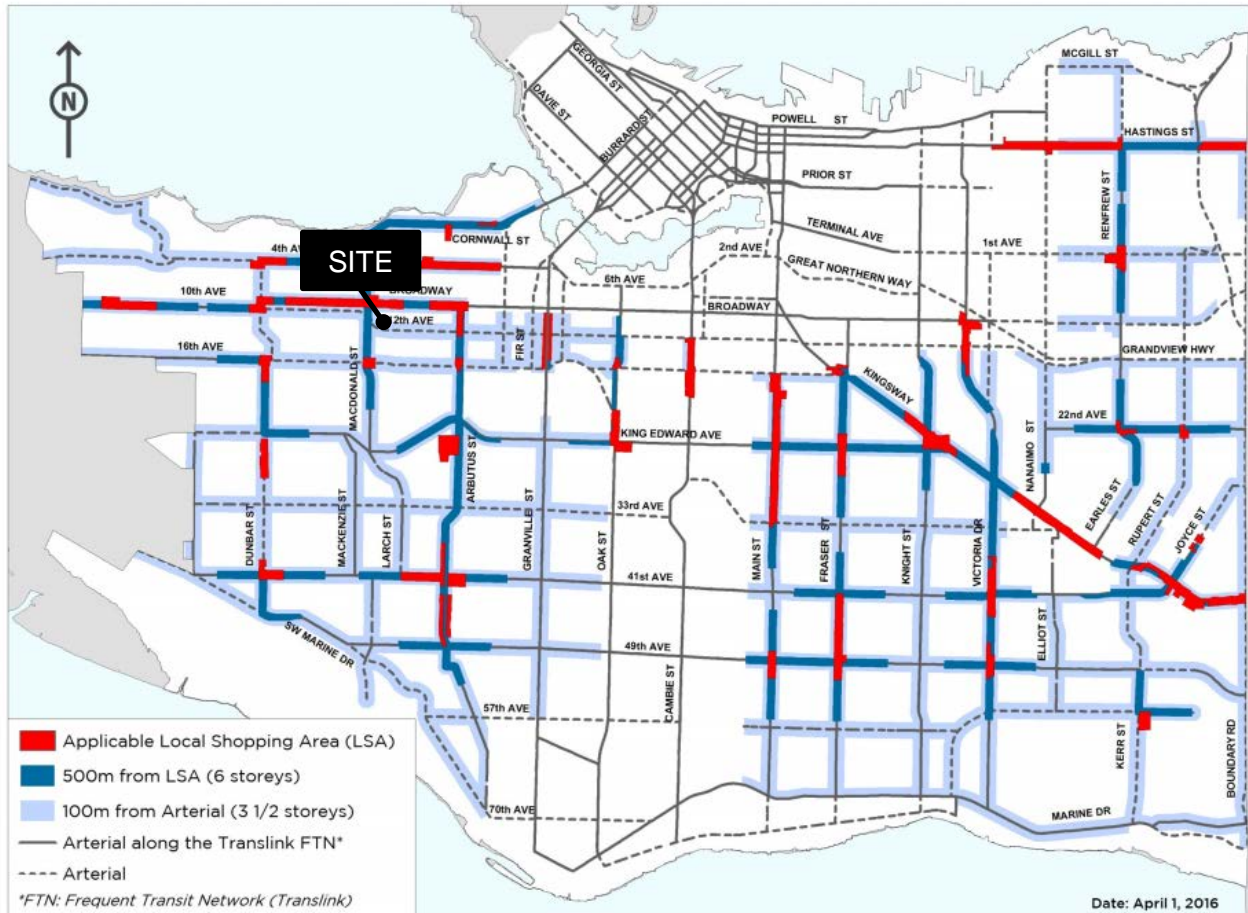
The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

\* \* \* \* \*

## 2715 West 12th Avenue ADDITIONAL INFORMATION

### 1. Affordable Housing Choices Policy Location Map



### 2. Urban Design Panel Minutes

#### EVALUATION: SUPPORT with Recommendations

**Introduction:** Michelle Yip, Rezoning Planner, introduced the project as located in Kitsilano at the northwest corner of 12th Avenue and Stephens Street, where 12th Avenue becomes Kitsilano Diversion heading west. It is one block west of Kitsilano Secondary and two blocks from the Kitsilano Community Centre and Connaught Park.

The area south of 12th Avenue and west of Macdonald Street is zoned RS-5. The subject site and surrounding area to the north and east are zoned RS-7, which conditionally permits two-family dwellings, multiple conversion dwellings and laneway houses, and on larger lots, multiple dwellings and infill.

The proposal is being considered under the Affordable Housing Choices Interim Rezoning Policy, which allows for rezoning consideration for a 3.5-storey ground-oriented form at this location. The policy

includes a spacing requirement between projects, where no more than two projects can be considered within 10 blocks along an arterial street. The proposal is for a 3.5-storey townhouse development containing 15 secured market rental housing units at 1.5 FSR and a height of 37.5 feet.

David Lee, Development Planner, introduced the project as the site is triangular and is located in the Kitsilano neighborhood. It is framed by W 12th Ave to the south, Stephens St to the east, and there is a 20'-0" lane to the north. The base zoning is RS-7 which extends to the west, north, and east and RS-5 extends to the south on the south side of W 12th Ave.

There are no additional density recommendations for RS zones under the Rental Incentives guidelines so the approach is to apply RM-7 regulations as a baseline. The anticipated form of development for stacked townhouses in RM-7 is a 2.5 storey building with a maximum height of 37.72', an FSR of 1.2, and a dwelling unit density of 132 units per hectare for up to 11 dwelling units. The proposal is for a 3.5 storey building with a maximum height of 37.5', an FSR of 1.5, and 15 dwelling units.

Under the guidelines for high density housing, developments should have outdoor open space in the form of a small common space for use by adults, an outdoor play area for preschool children with a minimum area of 50 square metres, and an outdoor play area for elementary and teenaged children with a minimum area of 85 square metres. Approximately 30 square metres of play area is currently provided.

Section 3.3.3 allows the reduction of the play areas if reasonable access to playgrounds and community facilities are within 0.4km. Connaught Park is approximately located within 0.5km and Carnarvon and Tatlow Parks are located within 1.0km.

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

- 1) Does the panel support the size and location of the common open space? The planning team then took questions from the panel.

**Applicant's Introductory Comments:** The applicant noted there is a lot of existing space for development. There is an existing 'stepped footprint' that follows a 'curved geometry'. The geometry creates a space in the back for parking and a kid's play area. The units would be accessed by front doors. There is back access designed for the family units. The units are 1 and 3 bedrooms. The floor elements step slightly. There is one level designed above grade. The proposed top is contained with gable roofs. The standards meet sustainable guidelines and the project has passive house elements.

The proposed plants tend to be pollinators. The kid's play space is placed in the back area. The applicant team then took questions from the panel.

**Panel Consensus:** Having reviewed the project it was moved by Mr. Wen and seconded by Mr. Brudar

THAT the Panel **SUPPORT** the project with the following recommendations to be reviewed by City Staff:

- Re-examine where the play area on the north side so that there is more access to light and visual access
- Address Stephens more as a street because it has better orientation for units

**Related Commentary:** Family housing is appreciated in the area. However the site plan needs work. The building needs a sense of community. It needs a focal point to make it a sense of community. The end of the lane could use more work.

**Applicant's Response:** The applicant team thanked the panel for the feedback.

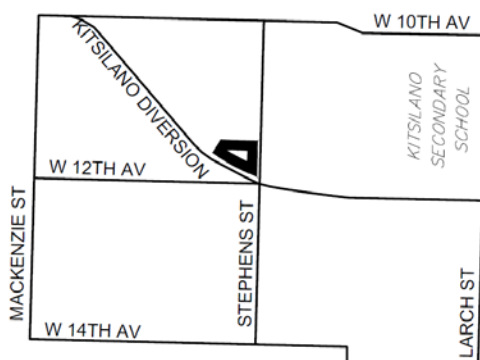
**Adjournment**

There being no further business the meeting adjourned at 7:40 p.m

**3. Public Consultation Summary**

**Public Notification** – Rezoning information signs were installed on site on September 27, 2017. Approximately 344 notification letters were distributed within the neighbouring area on or about September 27, 2017. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).

**Notification Area**

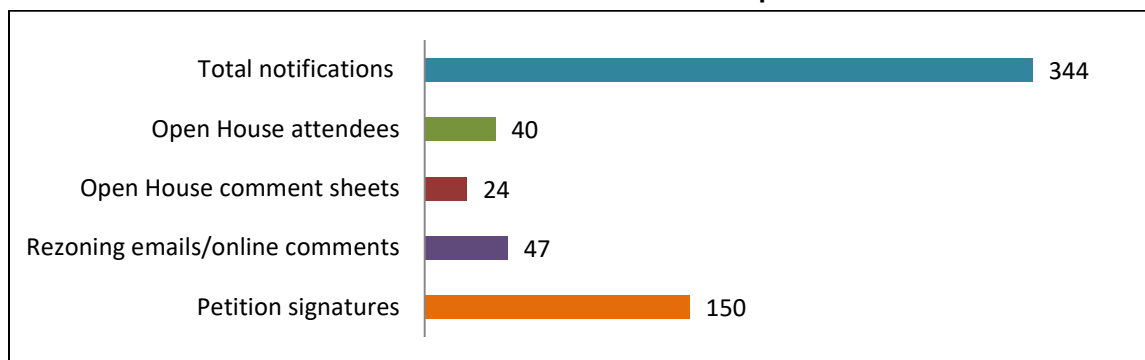


**Additional Notifications** – In response to the revised rezoning submission submitted in August 2018, site signage was updated on September 24, 2018, with a banner indicating that revisions were made to the application. Project revision details were included in a second mail out to approximately 373 households, distributed on or about September 20, 2018. In addition to residents and owners within the notification area, this mailing list included open house attendees who indicated a desire for further project updates. Open House attendees who preferred email updates were contacted on September 21, 2018. Revisions were also highlighted on the City's Rezoning Centre webpage.

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

- 24 comments sheets in response to the October 11, 2017 open house;
- 47 emails, letters, and online comments; and
- A formal petition letter, signed by 150 local residents, received on November 29, 2017.

### Public Notification and Responses



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

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

*Generally, comments of support fell in the following areas:*

- **The provision of new rental housing stock (approximately 11 responses):** Respondents felt that this proposal addresses the need for more rental housing, specifically that appropriate for families or the 'missing middle'.
- **Building design and form (approximately 5 responses):** Respondents were supportive of the townhouse form and considered it fitting for the neighbourhood. Some individuals found the building colours and materials to be appealing.
- **Appropriate density increases (approximately 5 responses):** Respondents suggested that the proposed development addresses a need for increased density in the area.
- **Support for car share/reduced parking (approximately 3 responses):** Respondents were appreciative of the provision of car share spaces in place of residential parking as they considered the area to be walkable/bikeable and well-served by transit

*Generally, comments of concern fell into the following areas:*

- **Impacts to on-street parking/not enough parking provided (approximately 32 responses):** Respondents were concerned that this development would further reduce the already limited supply of on-street parking. A large number of these individuals stressed that falling sap from linden trees limits their ability to park along 11th Avenue for 4-5 months per year.

Many suggested that one parking stall per unit should be supplied. Some of these respondents were not supportive of Class "A" bicycle parking.



- **Density (approximately 17 responses):** Respondents considered the increase in density to be too much for the neighbourhood. Those who responded were concerned that the increase in density will bring subsequent noise pollution and garbage volumes.
- **Traffic safety (approximately 9 responses):** Respondents expressed fears that the proposed development would lead to dangerous pedestrian and traffic conditions. Many of those who responded suggested that the intersection at 12th Avenue and MacDonald is already a concern.
- **Increased traffic/congestions (approximately 8 responses):** Respondents were concerned with the potential for increased pedestrian and vehicle traffic. It was also suggest that increased traffic would impact those with mobility challenges.
- **Garbage and sanitation (approximately 8 responses):** Respondents were concerned that the garbage collection area is too small given the number of units in the proposed building. There were also concerns that garbage collection would be difficult to access through the lane. It was also suggested that the garbage structure is an encroachment onto the lane.
- **Design and safety of children's play area (approximately 7 responses):** Respondents were concerned that the children's play area would be unsafe, given its proximity to the lane. Some individuals also suggested that the play area is too small and lacking in exposure to natural light.
- **Building design (approximately 6 responses):** Respondents considered the building design to be unfitting for the neighbourhood.
- **Affordability (approximately 5 responses):** Respondents considered market rental rates to be unaffordable. It was suggested that units should be designated for social or coop housing.
- **Laneway access and safety (approximately 5 responses):** Respondents were concerned that the laneway will be difficult to access and unsafe. Many of these individuals suggested safety issues will arise from the dead-end lane – as service trucks will have to back up.
- **Building height (approximately 4 responses):** Respondents felt that the proposed building height would not match the neighbourhood and result in a loss of sunlight for neighbours across the lane.
- **Airbnb (approximately 3 responses):** Respondents were concerned that new tenants would use the units for Airbnb rentals.

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

*General comments of support:*

- Proposed development will make this corridor a more vibrant and exciting neighbourhood
- Increased density will provide more support for area businesses

- Appropriate location for density, given its central location, walkability, and access to transit
- Supportive of increased density in this area

*General comments of concern:*

- Unit sizes are too small for families
- Proposed development will cause shadowing for houses on 11th and 12th Avenues
- Concerned with design revisions, particularly the splitting of the massing and below ground units
- Not supportive of provision of rental units due to maintenance concerns
- Concerned with destruction of vegetation during construction – how will it be replaced?
- This development will negatively influence property values
- Concerned with the loss of the church – the City is losing shared spaces
- The proposed development will cause disruption during construction

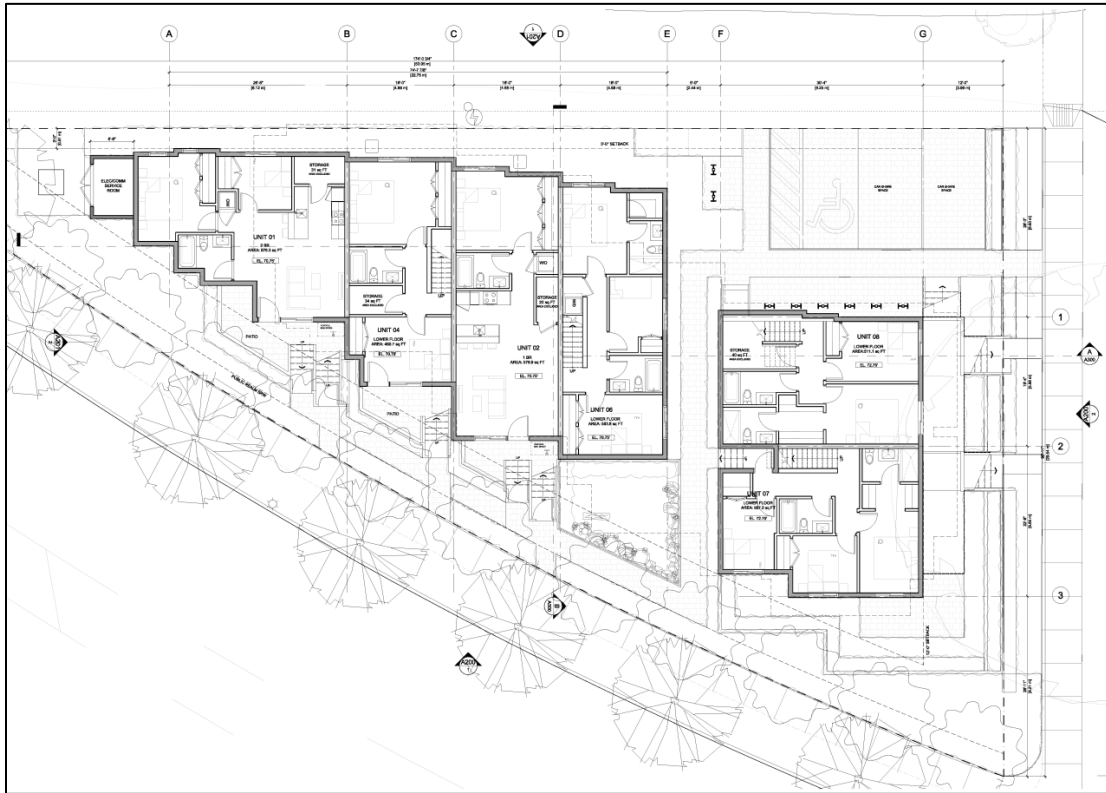
*Neutral comments/suggestions/recommendations:*

- Crosswalks/pedestrian light should be installed at Stephens Street and Kitsilano Diversion
- Fencing will increase safety of children's play area
- This site should be used for a park
- Bicycle parking should be located inside the building as this is a high theft area
- Accessibility should be required
- The linden trees along 11th Avenue should be removed

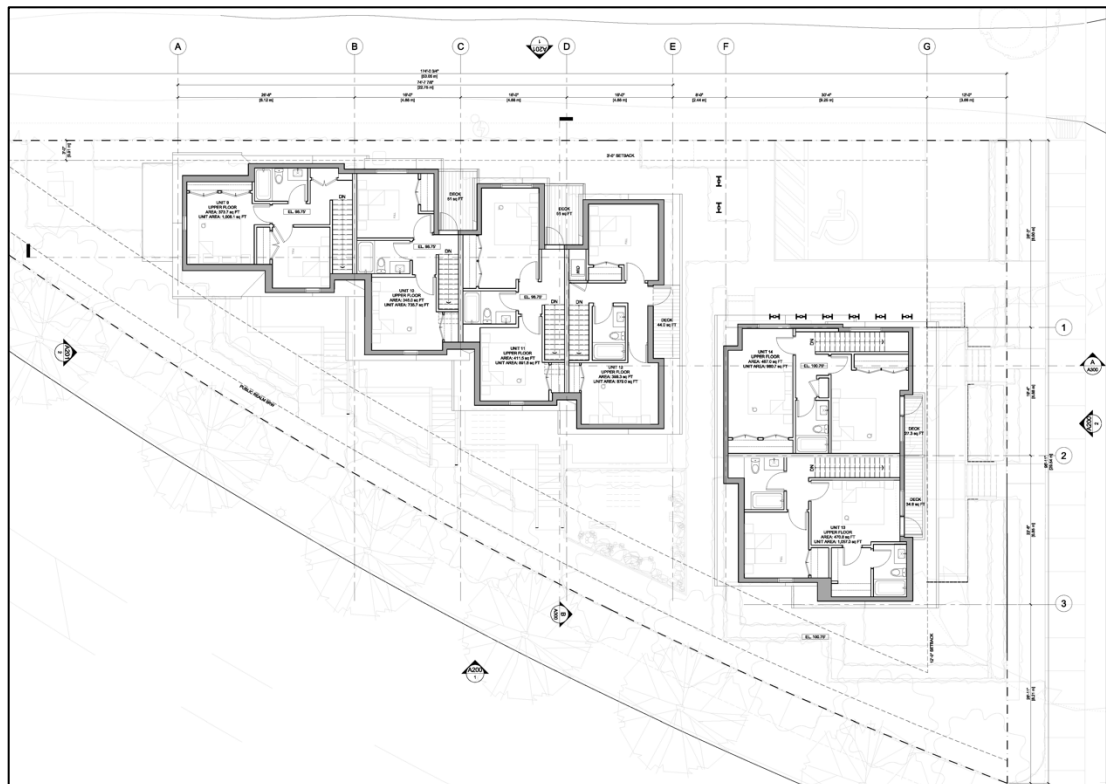
\* \* \* \* \*



Level 1 Floor Plan



Level 3 Floor Plan



South Elevation



North Elevation



\* \* \* \* \*

**2715 West 12th 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 in the Conditions of Approval (Appendix B).
- (b) None of the proposed dwelling units will be strata units, as required through the Housing Agreement.
- (c) The average size of the proposed dwelling units will not be greater than specified in the DCL By-law.

<b>Unit Type</b>	<b>No. units proposed</b>	<b>DCL By-law maximum average unit size</b>	<b>Proposed average unit size</b>
Studio	0	42 m <sup>2</sup> (450 sq. ft.)	N/A
1-bedroom	3	56 m <sup>2</sup> (600 sq. ft.)	47.2 m <sup>2</sup> (508 sq. ft.)
2-bedroom	5	77 m <sup>2</sup> (830 sq. ft.)	72.85 m <sup>2</sup> (784 sq. ft.)
3-bedroom	6	97 m <sup>2</sup> (1,044 sq. ft.)	90 m <sup>2</sup> (969 sq. ft.)

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

<b>Unit Type</b>	<b>No. units proposed</b>	<b>DCL By-law maximum average unit rent*</b>	<b>Proposed average unit rent*</b>
Studio	0	\$1,768	N/A
1-bedroom	3	\$2,056	\$2,056
2-bedroom	5	\$2,703	\$2,703
3-bedroom	6	\$3,559	\$3,559

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

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

\* \* \* \* \*

**2715 West 12th Avenue  
PUBLIC BENEFITS SUMMARY**

**Project Summary:**

Two 3.5 storey residential stacked townhouse buildings with 14 for-profit affordable rental housing units

**Public Benefit Summary:**

The proposal would provide 14 for profit affordable rental housing units secured for the life of the building or 60 years, whichever is longer. DCL's on the commercial component will be received.

	Current Zoning	Proposed Zoning
Zoning District	RS-7	CD-1
FSR (site area = 872.2 sq. m (9,387.9 sq. ft.))	0.70	1.42
Buildable Floor Space (sq. ft.)	6,571.5 sq. ft.	13,298.2 sq. ft.
Land Use	Residential	Residential

Public Benefit Statistics		Value if built under Current Zoning (\$)	Value if built under Proposed Zoning (\$)
Required <sup>1</sup>	City-wide DCL <sup>2,3</sup>	\$27,729	\$0
	City-Wide Utilities DCL <sup>3</sup>	\$15,244	\$0
	Public Art	N/A	N/A
	20% Social Housing	N/A	N/A
Other Public Benefits Offered	Heritage and Amenity Bonus Density	N/A	N/A
	Childcare Facilities		
	Cultural Facilities		
	Green Transportation/Public Realm		
	Housing (e.g. supportive, seniors)		
	Parks and Public Spaces		
	Social, Community and Civic Facilities		
	Unallocated		
	Other		
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>		<b>\$42,973</b>	<b>\$0</b>

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

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

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

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

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

**2715 West 12th Avenue**  
**APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**APPLICANT AND PROPERTY INFORMATION**

<b>Street Address</b>	2715 West 12th Avenue
<b>Legal Description</b>	Lot A and B, both of Block 81, Plan VAP6057, District Lot 540, New Westminster PIDs: 010-981-837 and 010-981-853, respectively
<b>Applicant/Developer</b>	JTA Development Consultants
<b>Architect</b>	MCM Partnership
<b>Property Owner</b>	2715 West 12th Investments Ltd.

**SITE STATISTICS**

<b>Site Area</b>	872.2 sq. m (9,387.9 sq. ft.)
------------------	-------------------------------

**DEVELOPMENT STATISTICS**

	<b>Permitted Under Existing Zoning</b>	<b>Proposed</b>	<b>Staff Recommendation (If Different than Proposed)</b>
<b>Zoning</b>	RS-7	CD-1	
<b>Uses</b>	Residential	Residential	
<b>Max. Density</b>	0.70 FSR	1.42 FSR	
<b>Floor Area</b>	610.5 sq. m (6,571.5 sq. ft.)	1,235.4 sq. m (13,298.2 sq. ft.)	
<b>Maximum Height</b>	10.7 m (35.1 ft.)	11.50 m (37.7 ft.)	12.20 m (40.0 ft.)
<b>Parking, Loading and Bicycle Spaces</b>	As per Parking By-law	Two car share spaces, one disability space and 19 Class A bicycle spaces.	
<b>Residential Units</b>		Studio: 0 units 1-bedroom: 3 units 2-bedroom: 5 units 3-bedroom: 6 units <b>Total: 14 units</b>	
<b>Natural Assets</b>	Six on-site trees existing	Approximately 12 new on-site trees	One retained on-site tree and approximately 11 new on-site trees

\* \* \* \* \*