



## REFERRAL REPORT

Report Date: April 28, 2020  
Contact: Theresa O'Donnell  
Contact No.: 604.673.8434  
RTS No.: 13792  
VanRIMS No.: 08-2000-20  
Meeting Date: April 28, 2020

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 105-125 West 49th Avenue

### **RECOMMENDATION**

- A. THAT the application by Billard Architecture Inc., on behalf of Thinkhome Realty Ltd., the registered owners, to rezone 105-125 West 49th Avenue [*Amended Lot 11 (See 263237L), Amended Lot 13 (See 263238L), and Lot 14, all of Block 1163, District Lot 526, Plan 4757; PIDs: 011-324-309, 011-324-350 and 011-324-384 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 0.70 to 2.35 and the building height from 10.7 m (35 ft.) to 15.4 m (51 ft.) to permit the development of a four-storey mixed-use building with 35 strata residential units, be referred to a Public Hearing together with:
- (i) plans prepared by Billard Architecture Inc., received July 26, 2019;
  - (ii) draft CD-1 By-law provisions, generally as presented in Appendix A; and
  - (iii) the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application in principle, including approval in principle of the form of development, subject to the Conditions of Approval contained in Appendix B;

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

- B. THAT, subject to enactment of the CD-1 By-law, the Subdivision By-law be amended generally as set out in Appendix C;

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

- C. THAT, if the application is referred to a Public Hearing, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C, be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law, generally as set out in Appendix C, for consideration at the Public Hearing.

- D. THAT, subject to enactment of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;

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

- E. THAT Recommendations A and D be adopted on the following conditions:

- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact a 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 three lots at 105-125 West 49th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey mixed-use building, with a total of 35 strata residential units, all over two levels of underground parking. A height of 15.4 m (51 ft.) and a density of 2.35 FSR are proposed.

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

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

Relevant Council Policies for this site include:

- *Cambie Corridor Plan and Cambie Corridor Public Realm Plan (2018)*
- *Family Room: Housing Mix Policy for Rezoning Projects (2016)*
- *High-Density Housing for Families with Children Guidelines (1992)*
- *Green Buildings Policy for Rezoning (2010, last amended 2017)*
- *Zero Emissions Building Plan (2016)*
- *Community Amenity Contributions – Through Rezoning (1999, last amended 2018)*
- *Tenant Relocation and Protection Policy (2015, last amended 2019)*
- *Renewable City Strategy (2015)*
- *Urban Forest Strategy (2014)*

## **REPORT**

### **Background/Context**

#### **1. Site and Context**

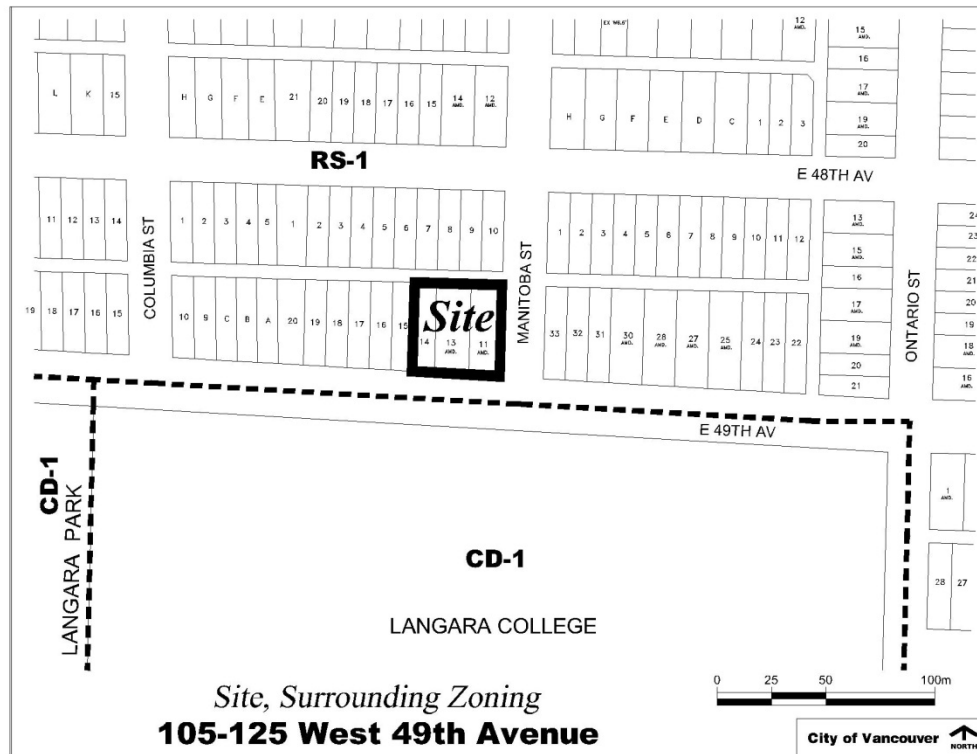
The site is located on the northwest corner of 49th Avenue and Manitoba Street, with a frontage of approximately 40 m (132 ft.) along 49th Avenue and 39 m (129 ft.) along Manitoba Street. It is comprised of three adjacent RS-1 zoned lots totalling approximately 1,666 sq. m (17,935 sq. ft.) in size and currently developed with three detached houses (see Figure 1).

The three detached houses on site were constructed between 1944 and 2010 and are not deemed to have any heritage value.

The site is located in a densifying node along the Cambie Corridor, anchored by Langara-49th Avenue Canada Line station and several community amenities. Significant growth is anticipated by the Cambie Corridor Plan (the “Plan”) and multiple developments have been approved or are under review.

- Across the lane to north, the Cambie Corridor Plan allows for three-storey townhouses with densities of up to 1.2 FSR.
- Along 41st Avenue from Alberta Street to the lane after Manitoba Street, rezoning is also supported by the Plan, where a height up to 4 storeys and a density up to 2.5 FSR can be considered. A rezoning application at 319-359 West 49th Avenue was approved by Council on December 10, 2019.
- South of 49th Avenue are two large developments. The Langara YMCA has been serving the neighbourhood since 1970s. This site is currently subject to a rezoning application with one 13-storey rental social housing building, one 20-storey market strata building, along with new and expanded recreational facilities. Langara College is located adjacent to the YMCA and also has a rezoning application to expand facilities within the campus.

The site is located on a major arterial with regular bus service and is three blocks away from the Langara-49th Avenue Canada Line Station.

**Figure 1: Location Map - Site and Context**

**Development Permitted under the Site's Existing Zoning** – If the site were to redevelop under the existing RS-1 zoning on each of the three lots, a one-family dwelling could be constructed, with the option to include a secondary suite and a laneway house or alternatively, a two-family dwelling (duplex) could be constructed and be strata-titled with the option of one lock-off basement rental suite per dwelling unit.

## 2. Policy Context

**Cambie Corridor Plan** (the “Plan”) – The subject site is located within the Langara neighbourhood of the Plan. Section 4.4.3 of the Plan supports mixed-use buildings up to four storeys in height for this site. A density range of up to 2.5 FSR is suggested in the Plan. Supportable density is to be determined by analysis based on site-specific urban design and public realm performance. Active commercial institutional, service, cultural or recreational uses are required at grade, with a continuous streetwall preferred along 49th Avenue.

The Plan also allows for consideration of an additional partial storey for common rooftop indoor amenity spaces if contiguous with common outdoor amenity space.

## Strategic Analysis

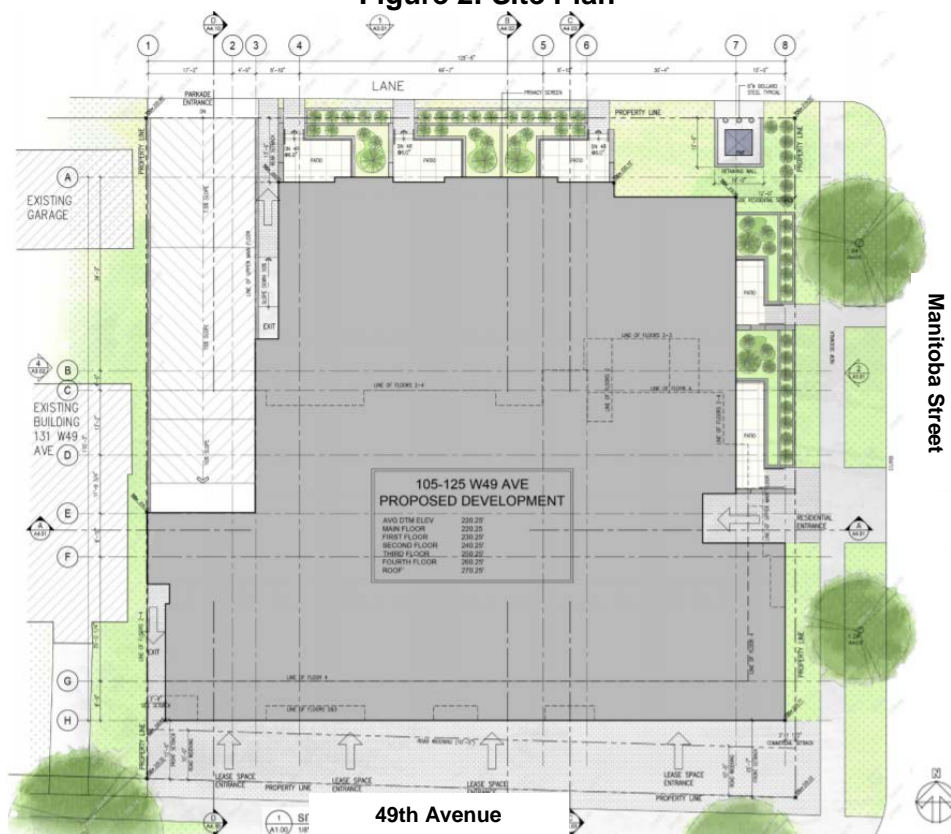
### 1. Proposal

The application proposes to rezone the site from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District to permit construction of a four-storey mixed-use building (see Figure 2). Commercial uses are provided at grade and townhouses with ground

level units are at the lane. A co-located indoor and outdoor shared amenity space is located on the roof.

A density of 2.35 FSR is proposed with a building height of 15.4 m (51 ft.). Two levels of underground parking are proposed to be accessed from the lane.

**Figure 2: Site Plan**



## 2. Land Use

The Plan anticipates mixed-use buildings in this area and the proposal is consistent with the Plan.

## 3. Density, Height and Form of Development (refer to drawings in Appendix E and statistics in Appendix H)

The proposal consists of a four-storey mixed-use building, with two levels of underground parking accessed from the lane. Rooftop outdoor amenity space is proposed in conjunction with a partial rooftop indoor amenity space that is modest in size and set back from the edges of the building. The main entrance of the building is located off Manitoba Street. Ground-oriented townhouses are located at the lane, with commercial units fronting 49th Avenue.

To support the active commercial uses on the ground floor, the Plan allows for buildings to extend to the property line to create a continuous streetwall with a setback above the third storey along 49th Avenue. As this is the first development on this block, staff conditions are

included to respond to the interim condition next to the neighbouring detached residences that include steps to minimize height and include landscape buffers and screening.

As the site is a southwest corner lot, shadow impacts from the project fall mainly over the lane and across Manitoba Street at the spring and fall equinoxes. The application generally adheres to setbacks and activation of the street frontages as per the Cambie Corridor Plan. Based upon the urban design performance, the proposed density and height are appropriate for this site.

A review by Urban Design Panel was not required due to the modest scale of the project and its consistency with the expectations of the Plan. Staff recommend approval of the proposed form of development subject to conditions outlined in Appendix B.

**Figure 3: Perspective view**



#### 4. Housing

**Existing Tenants** – In July 2019, Council amended the *Tenant Relocation and Protection Policy* (the “TRP Policy”), extending policy coverage to projects involving consolidation of two or more lots that contain existing secondary rental. This includes detached homes, basement suites, duplexes, or individually-rented condos where the new development is proposing five or more dwelling units. The TRP Policy exempts tenancies entered into after the purchase of the property that are of a length of two years or less as of the date of the rezoning application. This exclusion is intended to avoid penalizing applicants who are renting out units to comply with the City’s Empty Homes Tax during the process of assembling sites for redevelopment. Further, there is an exclusion where a previous owner of a house, strata, or equity co-op unit has sold the property to a developer, and is now occupying the unit as a tenant.

As the application involves consolidation of three RS-1 lots containing secondary rental units, the updated TRP Policy applies.

Three houses, containing a total of three rental units, are currently occupied with tenants who are aware of the rezoning application. None of the tenancies are eligible for provision under the TRP Policy due to length of tenancy / former ownership. If tenants are found to be eligible tenants after project approval, the applicant will provide a Tenant Relocation Plan to the satisfaction of the General Manager of Arts, Culture and Community Services as per the Tenant Relocation and Protection Policy prior to the issuance of the Development Permit.

All tenancies are protected under the *BC Residential Tenancy Act* that governs how residential properties are rented, and includes specific provisions around ending tenancies. Any disputes would be resolved through the Residential Tenancy Branch.

**Housing Unit Mix** – The application includes 35 strata residential units (1 studio unit [3%], 16 one-bedroom units [46%], 14 two-bedroom units [40%], and 4 three-bedroom units [11%]). This unit mix meets the family housing requirements of the *Family Room: Housing Mix Policy for Rezoning Projects*.

## 5. Transportation and Parking

Vehicle and bicycle parking are provided on two levels of underground parking, accessed from the lane. The application proposes a total of 45 residential and 8 commercial vehicle parking spaces for the 35 dwelling units, including 3 accessible spaces and 4 visitor spaces and 83 Class A bicycle spaces and 0 Class B bicycle spaces, which does not meet the requirements of the Parking By-law. 1 Class A and 1 Class B loading space will be required to meet the Parking By-law.

Engineering conditions of approval are set out in Appendix B.

## 6. Environmental Sustainability and Natural Assets

**Green Buildings** – The *Green Buildings Policy for Rezoning*s requires that rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy.

This application has opted to satisfy the *Green Buildings Policy for Rezoning*s under 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 modeling analysis detailing building performance strategies to meet the energy use intensity, greenhouse gas and thermal demand targets. Additionally, all developments will need to meet rainwater management requirements for retention, rate control, cleaning and safe conveyance.

Conditions related to environmental sustainability are included in Appendix B.

**Natural Assets** – The *Urban Forest Strategy* was developed to find ways to help preserve, protect and strengthen Vancouver's urban forest and tree canopy for the future. In April 2014, Council amended the *Protection of Trees By-law* to maintain a healthy urban forest by requiring permission to be granted to remove trees that meet certain conditions. The intent is to retain and protect as many healthy, viable trees as possible, while still meeting the challenges of infill redevelopment. This is in keeping with City goals to achieve resilient and healthy natural systems in our urban areas.

There are three on-site trees and four on City streets around the perimeter of the site. All three on-site trees are proposed for removal. Of these, staff is asking for consideration to relocate one tree and reintegrate it into the new landscape plan. All four street trees are retained and protected. Five substantial new trees are proposed to be planted around the site periphery and six trees on the rooftop, for a total of 11 new trees on site.

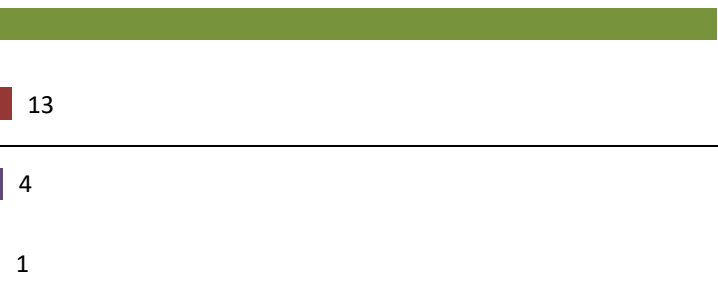
Landscape conditions are set out in Appendix B and a summary of the natural assets is included in Appendix H.

## **PUBLIC INPUT**

**Public Notification and Open House** – A rezoning information sign was installed on the site on August 8, 2019. Approximately 747 notification postcards were distributed within the neighbouring area on or about October 10, 2019. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage ([vancouver.ca/rezapps](http://vancouver.ca/rezapps)). On October 30, 2019, a community open house was held from 5:00-7:00 pm at the Peretz Centre, 6184 Ash Street. Staff, the applicant team, and a total of approximately 13 people attended the Open House.

**Public Response and Comments** – Staff received a total of five responses to the rezoning submission through open house comment sheets, letters, emails and online comments forms (see Figure 4). A summary of the feedback is provided below.

**Figure 4: Notification and Public Response**

Total notifications		745
Open House attendees		13
Open House comment sheets		4
Online/other feedback		1

\* Note that all reported numbers above are approximate

### **Note:**

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

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



Support for the proposal included comments relating to an appropriate height and density for the proposal, an appealing building design and support for the ground floor retail and services proposed in the building. There were some concerns about the limited height of the building and request for additional density for rental, housing affordability for renters or owners, traffic and congestion resulting from additional density, and desire to see a more unique building design.

Staff have reviewed the comments and have determined that the proposal responds to the intent of the Cambie Corridor Plan, subject to the conditions in Appendix B which include further design development of the building. A detailed summary of public feedback is included in Appendix D.

## **PUBLIC BENEFITS**

### *Public Benefits – Required by By-law*

**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 DCLs and City-wide Utilities DCLs on the proposed 36,124 sq. ft. of residential floor area and 5,961 sq. ft. of commercial area. Based on rates in effect as of September 30, 2019, total DCLs of approximately \$1,143,899 can be anticipated from this development.

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

### **Public Benefits – Offered by the Applicant**

**Community Amenity Contributions (CACs)** – Within the context of the City's *Financing Growth Policy* and the *Cambie Corridor 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 take into consideration community needs, area deficiencies, and the impact of the proposed development on City services. They typically include either the provision of on-site amenities or a cash contribution towards other public benefits.

In order to provide more certainty and clarity and to improve processing efficiency for rezoning applications, an approach to CACs based on a target CAC rate has been implemented for residential sites, such as this, within the *Cambie Corridor Plan*. This rate is the basis for all four- and six-storey market residential rezoning proposals within the Plan.

Target CACs are payable prior to rezoning enactment and are subject to an annual inflationary adjustment which takes place on September 30 of each year. In order to ensure fairness to rezoning applications that have been submitted prior to the adoption of new inflation adjusted CAC targets, in-stream rezoning applications are exempt from CAC target increases, provided that a rezoning application has been submitted to the City and a rezoning application fee has been paid.

The applicant has offered a cash CAC of \$591,857 based on the net additional increase in floor area of 29,593 sq. ft. and the target CAC rate of \$20 per sq. ft. in effect at the time of the application.

Cambie Corridor Public Benefits Strategy (PBS) – It is recommended that the cash component of the Community Amenity Contribution (CAC) from this rezoning application, if approved, be allocated to support delivery of the Cambie Corridor PBS, approved on May 1, 2018. The PBS identifies public benefits and infrastructure to support growth in the area, including both short-term and long-term priorities in and around the plan area. Priorities for the first 10 years include:

- *Increase affordable housing supply* – 550 social housing, 190 below market rental and 1,500 secured market rental units.
- *New childcare facilities* – Up to 360 additional spaces for 0-4 year olds, and 195 out-of-school care spaces.
- *New and upgraded community and civic facilities* – New Oakridge civic centre, Hillcrest Community Centre fitness centre expansion, youth hub, land acquisition for new fire hall.
- *New and upgraded parks and open spaces* – New Fraser River Park and parks on major project sites, upgrades to existing parks, six new plazas or open spaces.
- *Transportation improvements* – Complete Street designs on Cambie Street and other arterials, “car-light” Heather Street between 37th Avenue and 41st Avenue.
- *Heritage* – Allocate 5% of cash CAC revenues to support funding for the conservation of heritage resources City-wide, and Cambie Corridor on-site conservation.

See Appendix F for details of the *Cambie Corridor Plan* Public Benefits Implementation Tracking and Appendix G for a summary of all of the public benefits for this application.

### ***Financial Implications***

Based on rates in effect as of September 30, 2019, total DCLs of approximately \$1,143,899 would be expected from this development.

As noted in the section on Public Benefits, the applicant has offered a cash CAC of \$591,857, to be allocated towards the Cambie Corridor Public Benefits Strategy.

No public art contribution is expected from this rezoning.

Approval and timing of specific projects will be brought forward as part of the Capital Plan and Budget process.

**CONCLUSION**

Staff conclude 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 *Cambie Corridor Plan* with regards to land use, density, height and form.

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. Further it is recommended that, subject to the Public Hearing, the application including the form of development, as shown in the plans in Appendix E, be approved in principle, subject to the applicant fulfilling the conditions of approval in Appendix B.

\* \* \* \* \*

**105-125 West 49th Avenue  
DRAFT BY-LAW PROVISIONS**

Note: A By-law to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

**Zoning District Plan Amendment**

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

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

**Designation of CD-1 District**

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

**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 Dwelling Units in conjunction with any of the uses listed in this By-law;
  - (b) Cultural and Recreational Uses, limited to Arcade, Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, Park or Playground, and Theatre;
  - (c) Office Uses;
  - (d) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;
  - (e) Service Uses, limited to Animal Clinic, Barbershop or Beauty Salon, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop – Class B,

Restaurant, School – Arts or Self-Improvement, School – Business, and  
School – Vocational or Trade;

- (f) Accessory uses, customarily ancillary to the uses permitted in this section.

**Conditions of use**

- 4.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) Farmers' Market;
- (b) Neighbourhood Public House;
- (c) Public Bike Share;
- (d) Restaurant; and
- (e) Display of flowers, plants, fruits and vegetables in conjunction with a permitted use.

- 4.2 The design and layout of at least 35% of the dwelling units must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms;
  - (i) at least 25% of the total dwelling units must be two-bedroom units, and
  - (ii) at least 10% of the total dwelling units must be three-bedroom units; and
- (c) comply with Council's "High-Density Housing for Families with Children Guidelines".

**Floor area and density**

- 5.1 Computation of floor area must assume that the site area is 1,666.2 m<sup>2</sup>, being the site area at the time of the application for the rezoning application evidenced by this By-law, and before any dedications.
- 5.2 The floor space ratio for all uses must not exceed 2.35.
- 5.3 The floor area of common indoor rooftop amenity space, if permitted, must not exceed 50.0 m<sup>2</sup>.
- 5.4 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, measured to the extreme outer limits of the buildings.
- 5.5 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 floor area of all such exclusions must not exceed 12% of the residential floor area, and
    - (ii) the balconies must not be enclosed for the life of the building;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
  - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses, which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length; and
  - (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 sq. m per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 5.6 Computation of floor area may exclude amenity areas, except that the total exclusion for amenity areas must not exceed 10% of permitted floor area.
- 5.6 The use of floor area excluded under sections 5.5 and 5.6 must not include any use other than that which justified the exclusion.

### **Building Height**

- 6.1 Building height, measured from base surface, must not exceed 15.4 m.
- 6.2 Despite section 6.1 of this By-law and section 10.18 of the Zoning and Development By-law, if the Director of Planning permits a common indoor rooftop amenity space, the height of the portion of the building used for the common indoor amenity space must not exceed 18.4 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 of 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% or less of the total floor area of the dwelling unit, or
  - (ii) 9.3 m<sup>2</sup>.

### Acoustics

8. All development permit applications require evidence in the form of a report and recommendations prepared by a registered professional acoustical engineer demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise levels in decibels.

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

### Zoning and Development By-law

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

\* \* \* \* \*

**105-125 West 49th 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 Billard Architecture Inc., received July 26, 2019, and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.*

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

**Urban Design**

1. Design development to be more compatible with the neighbouring property as follows:
  - (a) Reduce height of commercial/retail units from 6.1 m (20 ft.) to 5.5 m (18 ft.) floor-to-floor.  
  
Note to Applicant: Viable retail use can still be achieved with the height reduction.
  - (b) Inset rooftop planters and guardrails 0.9 m (3 ft.) from roof edge to minimize perceived massing from street and sideyards.
  - (c) Minimize negative impacts of parkade entry and service areas with treatments such as enclosure, screening, durable and visually pleasing finishes and 0.9 m (3 ft.) landscape buffer at the shared property line (see landscape condition #6).
2. Detail exposed party wall at west elevation through articulation, colour, or textures.
3. Design development to improve the public realm interface as follows:
  - (a) Enhance pedestrian experience and activation of south sidewalk area by providing urban elements, (such as furnishings, lighting, landscape, etc.) and maintain transparency between retail functions and public realm.
  - (b) Provide continuous weather protection along full width of building frontage and integrated into the overall architecture and composition.

Note to Applicant: Weather protection should be appropriate to a pedestrian scale, with a depth of 6-8 ft. and at 10-12 ft. above the sidewalk level.



- (c) Provide adequate screening of PMT from lane and Manitoba Street (see landscape condition #6a).
- 4. Design development to adopt a bird-friendly strategy for the building's design.

Note to Applicant: Please see Bird-Friendly Design Guidelines.  
<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

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

- 5. Design development to respond to CPTED principles, having particular regard for:
  - (a) Theft in the underground parking;
  - (b) Residential break and enter;
  - (c) Mail theft;
  - (d) Mischief in alcoves and vandalism, such as graffiti; and
  - (e) Exit to lane and exit to street at southwest corner property line.

### **Landscape Design**

- 6. Design development to enhance, buffer and articulate landscaping at ground level and public realm interface through the following:
  - (a) Provide a landscape setback of minimum 0.9 m (3 ft.) wide between parking ramp and the west property line to buffer the ramp from the neighbouring property to the west;
  - (b) Provide a more pedestrian friendly and active street public life on 49th Avenue, by adding planter beds and landscape articulation more in keeping with the residential character of the street;
  - (c) Provide a more substantial landscape interface fronting Manitoba Street;
  - (d) Improve the lane interface by providing landscape buffering of the PMT and creating a usable common outdoor space between private patios and PMT at the lane.

Note to Applicant: Engaging an experienced landscape architect or designer is strongly recommended.

- 7. Design development to improve the sustainability strategy, by the following:
  - (a) Provide high quality materials to proposed intensive green roof for durability into the future;
  - (b) Add substantially more landscaping around all entry areas, to accent and soften them;
  - (c) Add vines to any blank wall facades, ensuring the vine support is sturdy and low maintenance (avoid high maintenance modular "green wall" systems);

- (d) Add planters with overarching shrubs to common upper level decks, to be visually accessible from below, softening the edges and consisting of woody evergreen plant material for year-round presence;
  - (e) Add edible plants, which can be used as ornamentals as part of the landscape design; and
  - (f) Add urban agriculture plots.
8. Design development to the landscape treatment in common areas on slab to allow for planting flush with the ground, while providing adequate planting depths, by lowering the slab to the greatest extent possible, rather than planting in raised planters.

Note to Applicant: Wherever possible, planted landscapes on slab should be designed to maximize soil depths. This will require integration of the landscape design and the structural plan. Soil depths should exceed CSLA Landscape Standard. At the perimeter of the building the slab can be angled downward (1 m (3.3 ft.) across and 1.2 m (3.9 ft.) down) to maximize contiguous soil volumes.

9. 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.
10. Design development to the Integrated Rainwater Management Strategy to explore opportunities for onsite rain water infiltration and soil absorption, as follows:
- (a) maximize natural landscape best management practises;
  - (b) minimize the necessity for hidden mechanical water storage;
  - (c) increase the amount of planting to the rooftop areas, where possible;
  - (d) consider linear infiltration bio-swales along property lines, at lower site areas;
  - (e) use permeable paving;
  - (f) employ treatment chain systems (gravity fed, wherever possible); and
  - (g) use grading methods to direct water to soil and storage areas.

Note to Applicant: Refer to the City of Vancouver Integrated Rainwater Management Plan (IRMP), Vol.1 & 2 for further information. A consulting engineer (subject matter expert) will need to be engaged and early phase soil analysis will be needed. Further comments may be outstanding at the development permit stage.

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

- (a) detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets;
- (b) a separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones; and
- (c) an overlay plan that shows amount and ratio of vegetative cover (green roof), permeable/impermeable hardscaping and notations describing the storage location of rainwater falling on each surface, including roofs.

Note to Applicant: The sustainable summary water balance calculations assume soil volumes are capable of receiving rainwater are only valid if water is directed from hard surfaces to infiltration zones.

- 12. Provision of coordination between Landscape Plan and architectural Site Plan, for most updated information.
- 13. Provision of complete information, such as detail references and schedules, confirming all landscape elements.
- 14. Consideration to relocate rather than remove Tree #1 (Japanese Maple) and re-integrate into the final landscape plans.

Provision requirements at the time of Development Permit application:

- 15. Provision of a detailed Landscape Plan illustrating soft and hard landscape areas;

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.

- 16. 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.

- 17. 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.

- 18. 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.

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

Note to Applicant: New street trees to be shown and confirmed on the development permit plans. Contact Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. 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: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed. Hose bibs are requested to encourage patio gardening and hand-watering on private patio and amenity decks.

21. Provision of an outdoor Lighting Plan

## **Sustainability**

22. All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended May 2, 2018), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>.

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin Green Buildings Policy for Rezoning – Process and Requirements (amended April 28, 2017 or later).

## **Engineering**

23. Parking, loading and bicycle spaces must be provided and maintained in accordance with the requirements of the Vancouver Parking By-law.
24. Submission of a letter confirming construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial Approval or Licence:

Note to Applicant: Applications for provincial Approvals or Licences can be completed online. The application will be received and accepted into the Province's online system, and the provincial authorizations team strives for 140 days to get the approval to the applicant. The approval holder must be able to produce their approval on site so that it may be shown to a government official upon request. Dewatering before this approval is granted is not in compliance with the provincial Water Sustainability Act.

25. The owner or representative is advised to contact Engineering Services 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.
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. Design development to improve access and design of bicycle parking and comply with the Bicycle Parking Design Supplement.
  - (a) Provision of updated plans showing all Class B bicycle parking which is to be provided on private property and should not encroach in any way on public property.
  - (b) Provision of automatic door openers on all doors providing outside access to bicycle storage rooms.
  - (c) Provision of end of trip facilities (clothing lockers) as per By-law.
  - (d) Provide a bicycle storage room for the commercial use independent of the residential spaces and conveniently located next to end of trip facilities.
29. Design Development to improve access and design of loading spaces and comply with the Parking and Loading Design Supplement.
  - (a) Provision of Class A loading at grade which is accessible to all units as laid out by the Cambie Corridor Plan.

Note to applicant: The proposed Class A loading in the underground is not acceptable. Maneuvering will be challenging and the size of Class A loading is not compliant with parallel loading. 22 ft. length is required and loading/unloading should be independent of the drive aisle.

30. Design development to improve the parkade layout and access design and comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including the following:

- (a) Provision of improved two-way flow for vehicles on the ramp and in the parking areas.
- (b) Improve visibility for two-way vehicle movement at turns with parabolic mirrors.
- (c) Provision of heat tracing for ramps which have a 15% slope and are exposed to the weather.
- (d) Provision of 2.3 m vertical clearance under the overhead gates for access and maneuvering to all accessible parking.

Note to applicant: Section drawings A4.01 and A4.10 to be updated to show the overhead gates with the 2.3 m vertical clearance.

- (e) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
- (f) All types of parking and loading spaces individually numbered, and labelled on the drawings.
- (g) Dimension of column encroachments into parking stalls.
- (h) Show all columns in the parking layouts.
- (i) Dimensions for typical parking spaces.
- (j) Dimensions of additional setbacks for parking spaces due to columns and walls.
- (k) Dimensions of manoeuver aisles and the drive aisles at the parkade entrance and all gates.
- (l) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates. These clearances must consider mechanical projections and built obstructions.
- (m) Areas of minimum vertical clearances labelled on parking levels.
- (n) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances. The slope

and length of the ramped sections at all breakpoints to be shown on the submitted drawings.

- (o) Indicate the stair-free access route from the Class A bicycle spaces to reach the outside. Stair ramps are not generally acceptable.
  - (p) Existing street furniture including bus stops, benches etc. to be shown on plans.
  - (q) The location of all poles and guy wires to be shown on the site plan.
- 31. Provision of continuous weather protection on the 49th Avenue frontage that provides adequate space for pedestrian movement.
  - 32. Provision of a landscape and site plan that generally reflect the improvements to be provided as part of the Services Agreement.

Note to applicant: the following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review:

- 33. The following statement is to be placed on the landscape plan; *This plan is “NOT FOR CONSTRUCTION” and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details.”*
- 34. Submission of a revised hydrogeological report will be required for approval by the City prior to development permit issuance. The following must be addressed in this final report:
  - (a) Per the Hydrogeological Study dated June 2019, include the results of the proposed investigation:
    - i. Installation of 2 additional monitoring wells
    - ii. Aquifer response testing
    - iii. Seepage rate calculations
    - iv. Groundwater monitoring monthly until the beginning of fall rains and more frequently during the rainy season to assess seasonal variation in groundwater elevation
  - (b) Provide excavation depth, foundation depth, and static water level(s) depth/elevation in both metres below ground surface as well as geodetic elevations;
  - (c) Include a plan for managing any encountered groundwater (e.g. perched or other aquifers) that is acceptable to the General Manager of Engineering Services, and that demonstrates that the two conditions in the *Groundwater*

*Management Bulletin* will be met. Include details about short- and long-term groundwater management methods, as well as a statement to confirm that there will be no long-term (>2 years) groundwater discharge to the City's sewer system;

- (d) Provide a quantitative estimate (in litres per minute) of both the anticipated construction dewatering/drainage rate and the permanent (post-construction) dewatering/drainage rate. Note that the *Groundwater Management Bulletin* defines groundwater as all water occurring below the surface of the ground within voids within a soil or rock matrix, and includes perched aquifers. Note also that terms such as “negligible” and “minimal” are not acceptable;
- (e) Discuss any potential impacts of the development, including to any nearby wells in the area, in an Impact Assessment section, as outlined in the *Groundwater Management Bulletin*;
- (f) The City has documented a possible historic stream near this site. In the report, provide evidence that there is no historic stream at this site;
- (g) In the report, acknowledge that if a watercourse is encountered on site, the Owner shall not interfere with or divert the watercourse, all work shall cease, and the Owner shall follow any further legal requirements;
- (h) The subject site occurs within the provincial delineation of the Quadra Sands aquifer. Provide comment in the Study about the expected proximity of the excavation to the Quadra Sands aquifer;
- (i) Comment on the potential for any heating oil or other contaminants present below the ground surface at or near the site to migrate as a result of the excavation, dewatering, or other construction activities;
- (j) Provide a plan for monitoring and reporting on the flow discharged to the sewer during the construction dewatering period. The reported flow monitoring must include daily average flow measurements (or as requested) and must be submitted to [utilities.servicing@vancouver.ca](mailto:utilities.servicing@vancouver.ca).

### **Green Infrastructure**

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

Note to applicant: The applicant is requested to schedule a meeting with IWM Branch prior to moving forward with the RWMP and resubmission with the Development Permit application. To schedule the meeting, contact [rainwater@vancouver.ca](mailto:rainwater@vancouver.ca).



## 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, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### Engineering Services

1. Consolidation of Lot 14, Amended Lot 11 (See 263237L), and Amended Lot 13 (See 263238L), all of Block 1163, District Lot 526, Plan 4757 to create a single parcel and subdivision of that site to result in the dedication of the southerly 3 metres for road purposes.

A subdivision plan and application to the Subdivision and Strata Group is required. For general information see the subdivision website at:

<http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>

2. Make arrangements for the release of Covenant BB1110459.
3. Provision of a Shared Use Loading Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the Class B loading space between the commercial and residential uses and label the space as 'Residential and Commercial Loading'.
4. Provision of a Watercourse covenant to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services based on the presence of an old stream.
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 the confirmed Fire Underwriter's Survey (FUS) Required Fire Flows submitted by Wedler Engineering LLP, on July 5th, 2019, no water main upgrades are required to service the development.

Note to applicant: The proposed development can be serviced by the 150 mm main along Manitoba Street, the 100 mm main in the lane north of 49th Avenue, or the 300 mm main along 49th Avenue.

Note to applicant: Should the development's Fire Underwriter's Survey Required Fire Flow calculation change as the building design progresses, a

resubmission to the City of Vancouver Waterworks Engineer is required for re-evaluation of the Water System.

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

Implementation of development(s) at 105-125 West 49th Avenue requires the following in order to improve sewer flow conditions.

- i. Separate 275 m of COMB main from MH fronting 151 West 49th Avenue to tie-in to 900 mm STM in Ontario Street as follows:

- Separate 76 m of 375 mm COMB main to 200 mm SAN and 450 mm STM on 49th Avenue from MH fronting 151 49th Avenue (MH\_\_FJCNL3) to MH fronting 105 WEST 49th Avenue (MH\_\_FJCNL6).

**Note to applicant:** This pipe upgrade can be shared with 319-359 West 49th Avenue (RZ-2018-00051).

- Separate 18 m of 375 mm COMB main to 200 mm SAN and 450 mm STM on 49th Ave from MH fronting 105 West 49th Avenue (MH\_\_FJCNL6) to MH at 49th Avenue and Manitoba Street (MH\_\_FJCNL7).
- Separate 157 m of 550 mm COMB main to 375 mm SAN and 750 mm STM on 49th Avenue from Manitoba Street (MH\_\_FJCNL7) to MH fronting 6495 Ontario Street (MH\_\_FJCNL5).
- Separate 23 m of 550 mm COMB main to 375 mm SAN and 675 mm STM on 49th Avenue from MH fronting 6495 Ontario Street (MH\_\_FJCNL5) to MH\_\_G2J0ZU and tie-in to 900mm STM in Ontario Street.

Note: The City will deliver the 49th Avenue to 50th Avenue combined sewer upgrade. The applicant shall provide cash in lieu for the local servicing upgrade.

The lengths and diameters of these improvements are approximate and subject to detailed design by Developer's Engineer.

Note: The 49th Avenue to 50th Avenue combined sewer requires upgrading to support the growth in the catchment area. The City is targeting delivery of the upgraded sewer for Year 5 of the DCL program (approximately 2023) to align with expected development occupancies. The applicant is to regularly inform the Integrated Water Management (IWM) Branch ([Utilities.Servicing@Vancouver.ca](mailto:Utilities.Servicing@Vancouver.ca)) of their updated construction and occupancy schedule as the development progresses. This will assist the IWM Branch in scheduling the sewer delivery. If the IWM Branch is not kept

informed of the developer's schedule, the occupancy permit approval may not meet the developer's schedule.

The post-development 10-year flow rate discharged to the storm sewer shall be no greater than the 10-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curves, whereas the post-development estimate shall utilize the 2100 IDF curves to account for climate change.

Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. All submittals including upgrade design drawings (90% design stage or better) are required to be reviewed and accepted by the City Engineer prior to development permit issuance.

Development to be serviced to the proposed 200 mm SAN and 450 mm STM sewers in 49th Avenue.

- (c) Provision for the construction of, or full funding for, future street improvements from the centerline of 49th Avenue adjacent to the site including any transition areas to connect existing and new curb alignments, all to the satisfaction of the General Manager of Engineering Services. These improvements will generally include the following: new concrete curb and gutter, raised protected bike lane, concrete sidewalk, transit passenger infrastructure, curb ramps, and improved street lighting and additional pedestrian scale lighting including adjustment to all existing infrastructure to accommodate the proposed street improvements.
- (d) Provision of street improvements along Manitoba Street adjacent to the site and appropriate transitions including the following:
  - i. Minimum 2.14 m (7 ft.) wide broom finish saw-cut concrete sidewalk.
  - ii. Adjustment to all existing infrastructure to accommodate the proposed street improvements.
- (e) Provision of improvements at the intersection of Manitoba Street and 49th Avenue including:
  - i. Upgrades to the existing traffic signal including accessible pedestrian signal.
  - ii. Modifications to the signal to accommodate the geometric changes to 49th Avenue and associated enabling works to modify or relocate existing infrastructure.
- (f) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.
- (g) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable

by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

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

- (h) Provision of speed humps in the lane north of 49th Avenue between Manitoba Street and Columbia Street.
  - (i) Provision of a new standard concrete pedestrian lane crossing, new curb returns and curb ramps at the existing lane crossing on Manitoba Street adjacent to the site.
  - (j) Confirmation that any relocated wood poles in the lane adjacent the site will not impact existing lane lighting, should any relocated pole include lighting impacts, upgrading of the lane lighting to current standard will be required.
  - (k) Provision of funding for the installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.
  - (l) Provision for the removal and re-installation of the existing bus stop amenities and associated features (bus shelter, advertising panel, bench, litter can, etc.) adjacent to the site on 49th Avenue to a location determined by Engineering Services.
  - (m) Provision of street trees where space permits. Final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. Tree species to the approval of the City Arborist. Street tree planting to include appropriate soil volumes and approved root barriers of rigid construction, 8 ft. long and 18 in. deep, centre on each street tree adjacent to the sidewalk and any off street bike facility.
6. Provision of a cash payment of \$297,000 for sewer upgrade planning and design work to support the development's increased sewer demands. This cash payment totals approximately 15% of the total sewer upgrade estimated cost and shall be paid prior to rezoning enactment, the remainder of which shall be provided prior to Development Permit issuance on the terms and conditions contained in the Services Agreement contemplated by Condition 5(b) herein.
7. 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.

### **Sustainability**

8. Enter into such agreements as the General Manager of Planning, Urban Design & Sustainability and the Director of Legal Services determine are necessary that require the owner to report energy use data, on an aggregated basis, for the building as a whole and for certain common areas and building systems. Such agreement or agreements will also provide for the hiring of a qualified service provider to assist the owner for a minimum of three years in collecting and submitting energy use data to the City.

### **Green Infrastructure**

9. Arrangements shall be made to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the rainwater management and green infrastructure systems.

Note to Applicant: Legal arrangements, including, but not limited to, a Section 219 Covenant and Statutory Right-of-Way, may be required to ensure proper construction and on-going operation of certain rainwater storage, rainwater management and green infrastructure systems.

### **Environmental Contamination**

10. As 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 this 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 issued to the City.

### Community Amenity Contribution

11. Pay to the City the cash Community Amenity Contribution of \$591,857 which the applicant has offered to the City and which is to be allocated to support the delivery of the *Cambie Corridor Public Benefits Strategy*. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

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.

\* \* \* \* \*

**105-125 West 49th Avenue  
DRAFT CONSEQUENTIAL AMENDMENTS**

**DRAFT AMENDMENT TO THE SUBDIVISION BY-LAW NO. 5208**

Council amends Schedule A of the Subdivision By-law in accordance with the plan labelled Schedule A and attached to and forming part of this By-law, by deleting *Amended Lots 11 (See 263237L), Amended Lot 13 (See 263238L) and Lot 14, all of Block 1163, District Lot 526, Plan 4757; PIDs: 011-324-309, 011-324-350 and 011-324-384 respectively* from the RS-1 maps forming part of Schedule A of the Subdivision By-law.

**DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 6510**

Amend Schedule A (Comprehensive Development Areas) by adding the following:

“105-125 W 49th Avenue      [CD-1#]              [By-law #]              C-2”

**DRAFT AMENDMENTS TO THE NOISE BY-LAW NO. 6555**

Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1 #]              [By-law #]              105-125 W 49th Avenue”

\* \* \* \* \*

## 105-125 West 49th Avenue ADDITIONAL INFORMATION

### 1. Public Consultation Summary

#### Public Notification

A rezoning information sign was installed on the site on August 8, 2019. Approximately 747 notification postcards were distributed within the neighbouring area on or about October 10, 2019. Notification and application information, as well as an online comment form, was provided on the City of Vancouver Rezoning Centre webpage ([vancouver.ca/rezapps](http://vancouver.ca/rezapps)).



#### Community Open House

On October 30, 2019 a community open house was held from 5:00-7:00 pm at the Peretz Centre, 6184 Ash Street. Staff, the applicant team, and a total of approximately 13 people attended the Open House.

#### Public Response

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

- 4 comment sheets and 1 e-mail were received from the public in response to the October 30, 2019 open house.

Total notifications	745
Open House attendees	13
Open House comment sheets	4
Online/other feedback	1

\* Note that all reported numbers above are approximate



**Note:**

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

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

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

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

- **Affordable housing:** Langara College needs more housing in the area and this development would provide this need.
- **Building height, massing and density:** The building height of four-storeys would be acceptable.
- **Building design:** The building design is unique and modern.
- **Retail and services:** The proposal would provide more services and ground floor retail since there is currently a lack of services in the neighbourhood.

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

- **Building height, massing, and density:** More density, specifically rental buildings, is needed in the area rather than lower density strata development.
- **Building design:** The proposal would need better design elements, similar to other large cities.
- **Traffic and congestion:** More cars from the proposal would result in a negative impact to the neighbourhood.
- **Affordable housing:** The proposed development would not be affordable.
- **Development:** The city already has many types of similar buildings to this development.
- **Safety and crime:** More crime and waste would result from the proposal in the neighbourhood.
- **Community engagement:** The community was not engaged about the additional fifth storey for an amenity room, in addition no changes were made to Phase 2 of the proposal.

\* \* \* \* \*

**105-125 West 49th Avenue**  
**FORM OF DEVELOPMENT**

Perspective – Manitoba Street Looking North



Perspective – Lane Looking South



North Elevation



East Elevation





South Elevation



3 SOUTH ELEVATION  
A3.02 1/8"=1'-0"

West Elevation



4 WEST ELEVATION  
A3.02 1/8"=1'-0"

Section



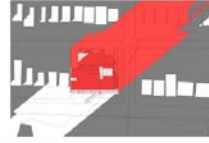
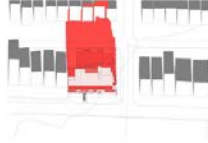
Landscape Plan – Roof



## Shadow Study

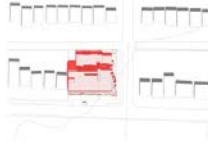
### DECEMBER 21

10:00 AM  
12:00 PM  
4:00 PM



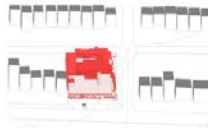
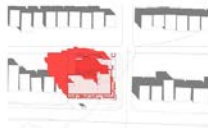
### JUNE 21

10:00 AM  
12:00 PM  
4:00 PM



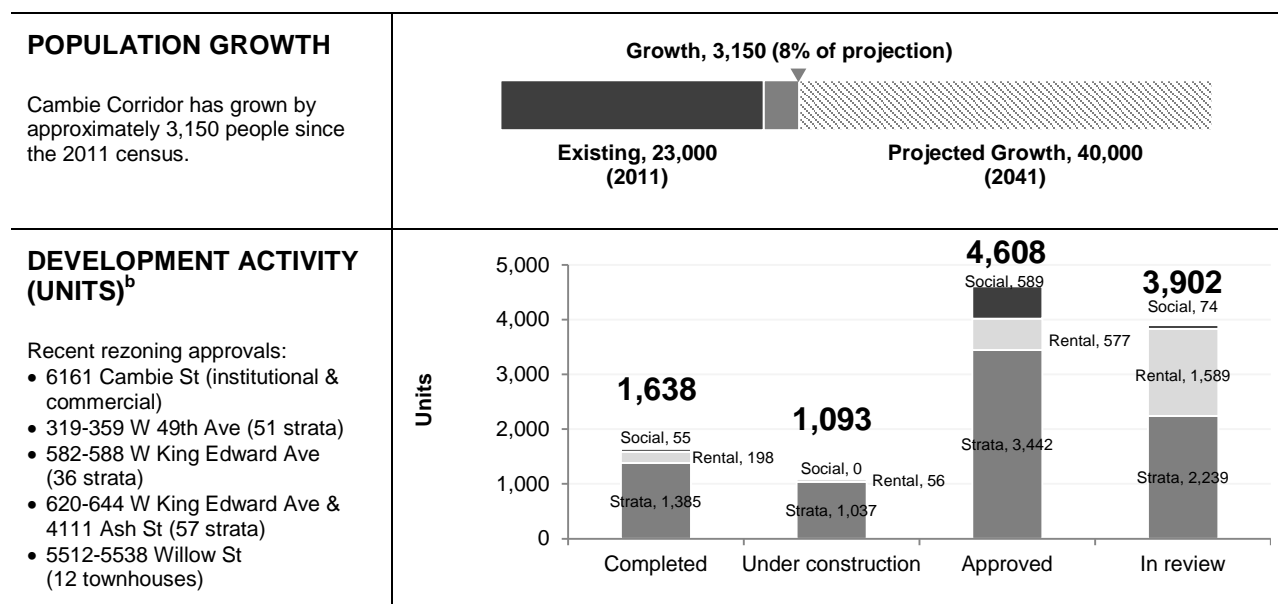
### MARCH 21

10:00 AM  
12:00 PM  
4:00 PM



\* \* \* \* \*

**PUBLIC BENEFITS IMPLEMENTATION TRACKING**  
**CAMBIE CORRIDOR PLAN (2018) – North of 57th Ave<sup>a</sup>**  
Updated End of Year 2019



**PUBLIC BENEFITS ACHIEVED – North of 57th Ave<sup>a</sup>**

Category	Anticipated Public Benefits by 2041 (+) <sup>c</sup>	Completed (•) or In Progress (◦)	% <sup>d</sup>
Housing <sup>b</sup>	+ 2,250 additional social housing units + 4,700 secured market rental units + 400 below-market rental units	<ul style="list-style-type: none"> <li>• 55 social housing units (5688 Ash St, 4899 Heather St)</li> <li>• 98 temporary modular housing units (5077 and 5095 Heather St)<sup>e</sup></li> <li>• 198 rental units (458 W 41st Ave, 4867 Cambie St, 611 W 41st Ave, 210-262 W King Edward Ave)</li> <li>◦ 56 rental units (408 W King Edward Ave)</li> </ul>	5%
Childcare	+ 1,080 spaces for all age groups	<ul style="list-style-type: none"> <li>• Restoration of outdoor play area at 8 Oaks Acorn childcare</li> </ul>	0%
Transportation/ Public Realm	+ Upgrade/expand walking and cycling networks + Complete Street design on Cambie St. and major streets + "Car-light" greenway on Heather St.	<ul style="list-style-type: none"> <li>• Traffic calming</li> <li>• 45th Avenue Bikeway</li> <li>◦ 29th and Cambie Plaza</li> </ul>	10%
Culture	+ 5 new artist studios	<ul style="list-style-type: none"> <li>• Public art from rezonings</li> </ul>	N/A
Civic/Community	+ Oakridge Civic Centre (includes renewal and expansion of Seniors' Centre) + Oakridge Library renewal and expansion + Additional library branch + Hillcrest Community Centre – Fitness centre expansion + Fire Hall #23 + Community Policing Centre		0%
Heritage	+ 5% allocation from cash community amenity contributions in Cambie Corridor	<ul style="list-style-type: none"> <li>• James Residence (567 King Edward Ave)</li> <li>• Milton Wong Residence (5010 Cambie St)</li> <li>◦ Turner Dairy Heritage Redevelopment</li> <li>◦ 5% allocation from cash community amenity contributions in Cambie Corridor</li> </ul>	5%
Social Facilities	+ Additional Seniors' Centre + Youth Hub + Non-profit organization centre		0%
Parks	+ New parks on large sites + Queen Elizabeth Park Master Plan and Phase 1 upgrades + 6 plazas and enhanced open spaces + Neighbourhood park improvements	<ul style="list-style-type: none"> <li>• Upgrades to Riley Park and Hillcrest Park</li> <li>• Lillian To Park (17th and Yukon)</li> <li>• Playground Renewal at Douglas Park</li> </ul>	5%

## **EXPLANATORY NOTES**

The Public Benefits Implementation Tracker assists in monitoring progress toward the delivery of public benefits anticipated from the community plans. Data in this tracker reflects activity within the plan boundaries since Plan approval.

### **Population Growth**

Base population is determined by the latest census year available when the Plan was approved. Projected growth numbers are determined by the numbers quoted in the Plan (if available). Growth is calculated by taking the difference between the latest census year and the base population and adding an estimate based on floor area completed between the latest census and the present quarter.

### **Development Activity**

The Development Activity Chart tracks projects with 3 or more housing units and includes Development Permits, Building Permits, rezoning applications and enquiries:

- “Completed” projects have achieved Building Permit completion.
- “Under Construction” projects have achieved Building Permit issuance, but have yet to be completed.
- “Approved” projects include rezoning applications approved by Council and Development Permits that have been approved by the City. Any rezoning applications approved by Council that advance into the Development Permit stage are still counted as “Approved” projects until it achieves Building Permit issuance.
- “In review” projects include any rezoning applications, enquiries, or Development Permits that are under review by the City.

Recent rezoning approvals listed in this section reflect the last five rezonings (excluding minor text amendments) approved by Council within the last five years in the plan area.

### **Public Benefits Achieved**

Public benefits that have either been completed or are under construction are included in this section. In addition, this tracker provides insight on progress of Major Projects or other City programs.

### **Other Notes**

<sup>a</sup> The Cambie Corridor Plan was a three-phase plan with its final phase approved in 2018. Phase 2 of the Cambie Corridor Plan was approved in 2011 and included land use policies for key sites and arterials. Money collected between Phase 2 and Phase 3 was allocated/spent corridor-wide through the interim public benefits strategy. Benefits delivered south of 57th Ave include: two affordable housing sites; 2 childcare facilities; new Family Place; 2 artist studios; and land acquisition for Marpole Civic Centre.

<sup>b</sup> Gross numbers of units reported. In some instances, existing units may be demolished and replaced with new units. These numbers represent units that have been replaced and any additional units included as a part of new developments.

<sup>c</sup> See chapter 13 of the [Cambie Corridor Plan](#) for detailed information about the City’s commitments to deliver public benefits along the Cambie Corridor.

<sup>d</sup> Percentages reflect estimated progress toward overall Public Benefits Strategy targets outlined in chapter 13 of the [Cambie Corridor Plan](#).

<sup>e</sup> In previous PBS trackers, temporary modular housing units were considered social housing units. Projects are now included for information, but do not count towards affordable housing targets.



**105-125 West 49th Avenue**  
**PUBLIC BENEFITS SUMMARY**

**Project Summary**

4-storey residential building, containing 35 strata residential units.

**Public Benefit Summary:**

The project would generate a DCL payment and a CAC offering to be allocated toward the Cambie Corridor Public Benefit Strategy.

	<b>Current Zoning</b>	<b>Proposed Zoning</b>
Zoning District	RS-1	CD-1
FSR (site area = 1,666 sq. m (17,935 sq. ft.))	0.70	2.35
Buildable Floor Space (sq. ft.)	12,554	42,085
Land Use	Single-Family Residential	Multi-Family Residential

**Summary of development contributions expected under proposed zoning**

City-wide DCL <sup>1</sup>	\$747,815
City-wide Utilities DCL <sup>1</sup>	\$396,084
Community Amenity Contribution	\$591,857
<b>TOTAL VALUE OF PUBLIC BENEFITS</b>	<b>\$1,735,756</b>

<sup>1</sup> Based on rates in effect as at September 30, 2019; 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.

**105-125 West 49th Avenue**  
**APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**Property Information**

Address	Property Identifier (PID)	Legal Description
105 West 49th Avenue	011-324-309	Amended Lot 11 (See 263237L), Block 1163, District Lot 526, Plan 4757
115 West 49th Avenue	011-324-350	Amended Lot 13 (See 263238L), Block 1163, District Lot 526, Plan 4757
125 West 49th Avenue	011-324-384	Lot 14, Block 1163, District Lot 526, Plan 4757

**Applicant Information**

Architect	Billard Architecture Inc.
Developer/Property Owner	Thinkhome Realty Ltd.

**Development Statistics**

	Permitted Under Existing Zoning	Proposed	Recommended Changes
Zoning	RS-1	CD-1	
Site Area	1,666.2 sq. m (17,935 sq. ft.)	1,666.2 sq. m (17,935 sq. ft.)	
Land Use	Residential	Residential uses and a mix of cultural and recreational, office, retail, and service uses	
Maximum FSR	0.70	2.35	
Maximum Height	10.7 m (35 ft.)	15.4 m (51 ft.) (top of roof) 18.5 m (60.8 ft.) (top of amenity parapet)	
Floor Area	1,166.3 sq. m (12,554 sq. ft.)	Total: 3,911.3 sq. m (42,085 sq. ft.) Commercial: 554 sq. m (5,961sq. ft.) Residential: 3,356 sq. m (36,124 sq. ft.)	
Residential Units	-	Total: 35 strata units Studio: 1 One-bedrooms: 16 Two-bedrooms: 14 Three-bedrooms: 4	
Parking and Bicycle Spaces	As per Parking By-law	Proposed as per Parking By-law: 45 residential vehicle spaces, 8 commercial vehicle spaces, 44 bicycle spaces	Provision of 1 Class A loading space, 1 Class B loading space and 2 Class B Bicycle Spaces
Natural Assets	4 city trees 3 on-site by-law trees	4 city trees 11 on-site trees	1 retained on-site tree (relocated)