



REFERRAL REPORT

Report Date: May 4, 2021
Contact: Yardley McNeill
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RTS No.: 14382
VanRIMS No.: 08-2000-20
Meeting Date: May 18, 2021

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 3609-3687 Arbutus Street

RECOMMENDATION

- A. THAT the application by PCI Developments, on behalf of PCI Arbutus Ridge Ventures Holdings Corp. Inc. No. 1241096, the registered owners, to rezone 3609 – 3687 Arbutus Street [*PID 010-172-254; Lot 9 Block 532 District Lot 526 Plan 4998; PID 011-259-361 Lot 10 Block 532 District Lot 526 Plan 4998; PID 011-259-388 Lot 11 Block 532 District Lot 526 Plan 4998; PID 011-259-400 Lot 12 Block 532 District Lot 526 Plan 4998; and PID 011-259-418 Lot 13 Block 532 District Lot 526 Plan 4998*]; from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.70 to 2.53 and the height from 10.7 m (35 ft.) to 24.7 m (80.8 ft.), measured to the top of parapet on the roof-top amenity floor, to permit the development of a six storey building under the *Affordable Housing Choices Interim Rezoning Policy* containing a total of 116 secured market rental housing units, of which 20% of the residential floor area is to be assigned to below-market housing units, be referred to a Public Hearing together with:
- (i) Plans prepared by BHA Architecture, received on April 30, 2020;
 - (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, 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 after Public Hearing Council approves in principle this rezoning and the Housing Agreement described in Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment, after the Housing Agreement has been agreed to and signed by the applicant and its mortgagee(s) and prior to enactment of the CD-1 By-law contemplated by this report.
- D. THAT Recommendations A to C be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City and 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;
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report evaluates an application to rezone the site at 3609-3687 Arbutus Street. The proposal is for a six storey residential building with a total of 116 secured rental housing units under the *Affordable Housing Choices Interim Rezoning Policy (AHC Policy)*. At the owner's suggestion, a total of 20% of the residential floor area (24 units) will be reserved for households making a moderate income and rented at rates targeted to meet the affordability needs of moderate income households earning between \$30,000 and \$80,000 (the "**below-market units**"), as further described in this report. A total floor area of 7,761 sq. m. (83,509 sq. ft.), a height of 24.7 m (80.8 ft.), which includes two 3.5 m (11.5 ft.) roof top access structures, and floor space ratio (FSR) of 2.53, are proposed. The application meets the intent of the *Affordable Housing Choices Interim Rezoning Policy* (the "**AHC Policy**") and would contribute 116 housing units, of which 24 will be reserved as below-market units, in support of the goals identified in the *Housing Vancouver Strategy*.

The application has been assessed, and the proposed use and form of development are supported subject to design development and other conditions outlined in Appendix B. It is recommended the application be referred to Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to a Public Hearing and to the conditions in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council Policies for this site include:

- *Affordable Housing Choices Interim Rezoning Policy* (2012, last amended 2018)
- *Secured Rental Policy* (2019)
- *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives* (2017)
- *Housing Vancouver Strategy* (2017)
- *Family Room: Housing Mix Policy for Rezoning Projects* (2016)
- *High-Density Housing for Families with Children Guidelines* (1992)
- *Rental Incentive Programs Bulletin* (2012, last amended 2020)
- *Tenant Relocation and Protection Policy* (2019)
- *Green Buildings Policy for Rezonings* (2010, last amended 2018)
- *Community Amenity Contributions – Through Rezonings* (1999, last amended 2020)
- *Vancouver Development Cost Levy By-law No. 9755* (2008, last amended 2020)
- *Vancouver Utilities Development Cost Levy By-law No. 11683* (2018, last amended 2020)
- *Arbutus Ridge/Kerrisdale/Shaghnessy Community Vision* (2008)
- *Urban Forest Strategy* (2014)

REPORT

Background/Context

1. Site and Context

The subject site is comprised of five lots with a combined area of 3,063 sq. m. (32,970 sq. ft.), prior to any required dedications and located on the west side of Arbutus Street between West 20th Avenue and West 21st Avenue (see Figure 1). The site is a full block face and faces three streets, with a width of 80.4 m (263.7 ft.) along Arbutus Street and a depth of 38.0 m (124.6 ft.), and is currently developed with five detached houses. Three of the houses each contain a rental suite (three in total) which are currently occupied with tenants who are aware of the rezoning application. As the application involves consolidation of five RS-1 lots containing secondary rental units, the *Tenant Relocation and Protection Policy* applies. Properties in the immediate vicinity are developed with single-family houses and zoned RS-1. The site does not contain any identified heritage or character features.

The application requires the dedication of 5.2 m (17 ft.) along Arbutus Street due to the presence of a building line, which would allow for a wider public realm and street right-of-way in the future. A six metre (20 ft.) wide paved lane exists at the rear of the site. The site slopes down approximately 2.4 m (8.0 ft.) from the north to the south, and approximately 2.4m (8.0 ft.) from front to back.

Figure 1: Site and Surrounding Zoning

Neighbourhood Amenities - The following amenities are within the local area:

- **Public Parks / Greenways**– The site is directly across from the Arbutus Greenway. Trafalgar Park is located within a 15-minute walk to the south.
- **Child Care Facilities** - The West Point Grey Daycare Centre is located within a 15-minute walk to the east.

Local School Capacity - The site is located within the catchment area of Trafalgar Elementary School (approximately five blocks to the south-west) which currently has an operating capacity of 467 students. The *Vancouver School Board's (VSB)'s Draft Long Range Facilities Plan* dated May 29, 2019, indicates a 2017 enrolment of 437 students, which is forecast to decrease by 63% over the next decade. Based on current local development, the school will continue to operate under capacity in the future.

Policy Context

Affordable Housing Choices Interim Rezoning Policy (AHC Policy) - On October 3, 2012, Council approved the *AHC Policy*, which aims to encourage housing delivery innovation and, to enable a variety of housing opportunities throughout the City, such as market rental housing and ground-oriented/mid-rise housing types. Council originally established a limit of 20 rezoning applications to be considered under the policy. On June 20, 2018, Council removed the 20 project limit as an interim measure to support progress towards meeting the *Housing Vancouver Strategy* target. At the same time Council introduced a deadline of June 30, 2019 for new rezoning enquiries to be accepted under the *AHC Policy*, in anticipation of new rental policies.

On November 26, 2019, Council approved the *Secured Rental Policy (SRP)*, which consolidates opportunities for rezoning for secured rental housing previously contained in the *AHC Policy* and the previous *Secured Market Rental Housing Policy* (commonly known as R-100). The *AHC Policy* was formally closed to new rezoning enquiries in 2019. However, applications received on or prior to June 30, 2019 continue to be reviewed and assessed under the *AHC Policy*. The enquiry application for 3609 Arbutus Street was submitted on June 24, 2019, and therefore may be considered under the *AHC Policy*.

Rezoning applications considered under the *AHC Policy* must meet a number of criteria such as providing 100% of the residential floor area as secured rental housing, contextual fit with neighbouring development, and location requirements (see *AHC Policy* location map in Appendix F). Buildings up to six-storeys may be considered for sites along an arterial street and within 500 m of a local shopping area, subject to design performance. The rezoning proposal meets the locational requirements for six-storey buildings.

The *AHC Policy* allows for a maximum of two projects to be considered within 10 blocks along an arterial. No other *AHC Policy* projects were submitted within this 10 block limit along Arbutus.

Housing Vancouver Strategy - In November 2017, Council approved the *Housing Vancouver Strategy (2018-2027)* and *3-Year Action Plan (2018-2020)*. The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The Housing Vancouver targets were based on the core goals of retaining the current diversity of incomes and households in the city, shifting housing production towards rental to meet the greatest need, and coordinating action with partners to deliver housing for the lowest income households. Overall, 72,000 new homes are targeted for the period from 2018 to 2027, including 12,000 social, supportive and non-profit co-operative units, and 20,000 purpose-built rental units. This application will contribute towards the targets for purpose-built market and below-market rental units.

Secured Rental Policy (SRP) - On November 26, 2019, Council approved amendments to the *Secured Market Rental Housing Policy* approved May 2012, and retitled it the *Secured Rental Policy*. The amended *SRP* expands on the *Secured Market Rental Housing Policy* by consolidating rezoning opportunities for secured rental housing previously contained in the *AHC Policy* and introducing new green building requirements. The *SRP* also includes new locational criteria for rezoning applications in RS or RT zoned areas.

Council also directed staff to report back with new standard rental zones for use in future site-specific rezonings to simplify the process for new rental housing in RS and RT zoned areas. This work is still underway and during this interim period, new rezoning proposals under the SRP in RS and RT zoned areas are not being considered. Should new standard rental zones be approved by Council in the future, new rezoning proposals (in specified areas) would be accepted under the SRP.

RS-1 Zoning - The intent of the *RS-1 District Schedule*, is to maintain lower density housing options such as detached houses, infill development, and Laneway Housing, while maintaining a residential neighbourhood character with emphasis placed on outdoor space, mature landscaping and trees.

Development Cost Levy By-Laws - Under Section 3.1A of the *Vancouver Development Cost Levy By-law No. 9755* (the “DCL By-law”), and Section 3.2 of the *Vancouver Utilities Development Cost Levy By-law No. 11683* (the “Utilities DCL By-law”), projects which meet the by-laws’ definition of “for-profit affordable rental housing”, a term specifically used in Section 523D(10.3) (a) of the *Vancouver Charter*, are eligible for a DCL waiver for the residential portion of the development. The *DCL By-law* and the *Utilities DCL By-law* establish maximum unit sizes and maximum average rents by unit type for the project to be eligible for the waiver. Current rental rates and unit sizes are outlined in the *Rental Incentive Programs Bulletin* and are updated on an annual basis.

On November 26, 2019, Council approved changes to the *DCL By-law* and the *Utilities DCL By-law*, including changes to simplify the application process and improve administration of the waiver, as well as changes to the *Utilities DCL By-law* to remove the waiver for “for-profit affordable rental housing,” effective September 30, 2020. Applications submitted before this date will remain eligible for a waiver of the Utilities DCLs for the residential portion of the project under the *Utilities DCL By-law* provided that a corresponding building permit is issued before September 30, 2021 (within 12 months of the effective date of the *Utilities DCL By-law* change).

The term “for-profit affordable rental housing” as defined by the *Vancouver Charter*, and used in relation to the *DCL By-law* and *Utilities DCL By-law*, does not necessarily create rental units which are affordable to all Vancouver residents. The DCL waiver provides opportunities for the creation of a range of rental levels, in accordance with the housing continuum objectives of the *Vancouver Housing Strategy*.

Strategic Analysis

1. Proposal

The application proposes development of a six storey apartment building with a total of 116 secured market rental housing units of which 24 will be reserved as below-market units. A density of 2.53 FSR (based on the site area prior to any required dedications) and a maximum building height of 24.7 m (80.8 ft.), at its highest point, are proposed. The height includes two roof top access structures for accessing roof top amenity areas which are 3.5 m (11.5 ft.) tall. Without the roof top accesses, the building is 21.2 m (69.5 ft.) in height to the top of the roof parapet at its highest point. Two levels of underground parking and residential storage are proposed, accessed from the rear lane, which contain a total of 74 off-street parking spaces and 227 bicycle spaces.

Although the *AHC Policy* supports development up to six storeys within the 3600 block of Arbutus Street, in initial reviews staff considered limiting the form to five storeys in response to the surrounding low density context. The developer subsequently offered to voluntarily include a minimum of 20% of the floor area to be reserved as below-market units, consistent with the conditions of the *Moderate Income Housing Pilot Program (MIRHPP)*, in return for the City's consideration of a six storey development.

Staff support the six-storey form noting the public benefit of securing below-market rental units in this neighbourhood along with setting the fifth and sixth floors further back from the street, will reduce the impact on adjacent properties. Design related conditions in Appendix B will ensure that impacts are minimized through further building refinements during the development permit process.

2. Land Use

The application proposes a residential use which is consistent with the intent of the *AHC Policy* and with the surrounding RS-1 zoning.

3. Density, Height and Form of Development

(Refer to drawings in Appendix E and statistics in Appendix I)

This application responds to the *AHC Policy* by proposing a six storey secured rental apartment building along an arterial (see Figure 2 and Appendix E). The policy is informed by local area guidelines (where available), however no design guidelines exist for this area. Staff have reviewed the project's scale and massing, including privacy, solar access, and traffic impacts, to ensure the project relates to the surrounding development, noting the intent and provisions of the *AHC Policy*.

The building is composed of two blocks or wings, each fronting onto Arbutus Street, and joined by a lobby component in the middle. Both blocks have a "U-shaped" footprint. The building is stepped back in tiers away from the lane to reduce impacts towards the residential properties to the west. The setbacks from the lane at the rear vary from 2.4 m to 9.7 m (8 ft. to 32 ft.) for the first two floors. The third and fourth floors are setback 5.5 m to 9.7 m (17.8 ft. to 32 ft.) from the lane. The upper two floors are setback 8.8 m to 11.7 m (29 ft. to 38.3 ft.) from the lane (see Figure 2). The upper floors have lighter coloured cladding to visually distinguish them from the lower floors, which assists in mitigating massing impact.

Amenity Areas and Landscaping

Extensive landscaping (see Figure 4), including privacy screening and planting on roof decks, the in-setting of balconies at upper levels, and the use of residential materials on the building, help to integrate the building into the neighbourhood. A shared "residents' courtyard" separates the two blocks and is approximately 23 feet wide. The courtyard's location aligns generally with the intersection of the two lanes behind the property to the west. The lane-side landscape treatment consists of a series of terraced planters to soften the transition of the building to neighbouring properties and present a green building base as seen from the lane.

Common roof-top amenity spaces are proposed for both buildings which would be accessible by all residents of the project and which are extensively landscaped. All units have outdoor private areas in the form of roof decks or balconies (see drawings in Appendix E).

Figure 2: View from the South Showing Stepped Massing



Figure 3: Perspective View from Arbutus Street Looking West



Figure 4: Proposed Ground Level Landscaping

The north and south setbacks are approximately 13 feet respectively. The front yard setback on Arbutus Street is approximately 3 m (10 ft.) across the full length of the building measured to the property line after the 5.2 m (17 foot) dedication (see Site and Context). These setback areas are proposed to be extensively landscaped. The dedicated area would be developed as a public boulevard with sidewalk improvements, landscaping, and street trees (see Engineering conditions in Appendix B). Parking is accessed off the lane at the midpoint of the site, aligned with the residents' courtyard location. The underground parking garage does not extend into the dedication area. Further landscape conditions are included in Appendix B.

Contextual Fit - Under the *RS-1 District Schedule*, a building height of up to 10.7 m (35 ft.) and density up to 0.70 FSR can be considered for new development, or up to approximately 0.86 FSR for developments which include a laneway house.

While the proposed density and height are higher than permitted under RS-1 zoning, the proposal is contained wholly on a full block end and massed towards Arbutus Street (see Figure 2 and Figure 3), thereby lessening direct impact on surrounding properties which are separated either by full streets or the lane from the development. The height to the top of the parapet at the highest location, not counting the stair access structures, is 21.2 m (69.5 ft.), which is a typical height for a six storey residential building. Due to significant grades changes, including a cross slope, the building reaches 24.7 m (80.8 ft.) in height only at the NW corner of the northern block, and which includes the height of the access structures to the roof-top amenity floor (3.5 m (11.5 ft.)). The majority of the development is lower in height and presents a four-storey base to the street (see Figure 3). Further, stepping of the building down in height towards the lane reduces shadowing and overlook onto properties to the west. Conditions in Appendix B will seek to further minimize the height where possible, noting below grade units are to be avoided.

Further compatibility in the proposal is maintained by the inclusion of extensive landscaping, including privacy screening and planting on roof decks, the in-setting of balconies at upper levels, and the use of residential materials. A comprehensive tree retention and replacement strategy is also proposed (see Natural Assets).

Urban Design Panel - Staff concluded that the proposal addresses design related issues appropriately and that a review by the Urban Design Panel was not required. Where possible, comments regarding design and massing received from public engagement have been incorporated into the conditions listed in Appendix B. Overall, staff consider that the proposed height, massing, setbacks and landscaping, respond appropriately to the surrounding context.

Staff support the project, concluding that the six storey proposal meets the provisions of the *AHC Policy*, and the application manages the design of the proposed height and density appropriately within its context, with further design development required as outlined in Appendix B.

4. Housing

The *Housing Vancouver Strategy* (Housing Vancouver) and associated *3 Year Action Plan* is the culmination of a year-long process of gathering, synthesizing and testing new ideas and approaches to addressing housing affordability in Vancouver. This application, if approved, would add an estimated 116 purpose-built rental housing units, including approximately 24 below-market rental units, to the City's inventory of rental housing which would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 5).

Figure 5: Progress Towards 10 Year Housing Vancouver Targets for Purpose-Built Market Rental and Developer-Owned Below Market Rental Housing as of Dec. 31, 2020

Housing Type	CATEGORY	10-YEAR TARGETS	Units Approved Towards Targets	Progress Towards Targets
Purpose-Built Rental Housing Units	Market Rental	16,000	5,188	32%
	Developer-Owned Below Market Rental	4,000	436	11%
	Total	20,000	5,624	23%

*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 exhibited historically low vacancy rates in the last 30 years. Based on the CMHC Market Rental Survey, in October 2020, the city-wide vacancy rate for purpose-built rental apartments was 2.8%. The vacancy rate for the Westside/Kerrisdale area within which this site is located was 2.1 %. This means that 21 out of every 1,000 market rental units in this area were empty and available for rent. A vacancy rate between three to five per cent represents a balanced market.

Housing Mix - On July 13, 2016, Council adopted the *Family Room: Housing Mix Policy for Rezoning Projects* which includes family housing requirements set at 35 per cent. These units are to be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

The application provides for a broad cross section of household types. It will deliver 46 family units (39 per cent) across the project, and exceed the family unit mix requirements in both the

market rental units (40 per cent) and below market units (37 per cent). The complete unit mix is illustrated in Figure 6.

Figure 6: Proposed unit mix, Market and Below-Market Rental

Market		Moderate Income	
Studio	2	Studio	2
1-bed	53	1-bed	13
2-bed	25	2-bed	7
3-bed	12	3-bed	2
Total:	92	Total:	24
Total: 116			

Proposed Rents and Income Thresholds - In 2016, the median before-tax household income in the Westside Kerrisdale area was \$90,084. This proposal includes 100% secured rental units with 20% of residential floor area dedicated to below market units. Figure 7 shows the proposed average starting rents for the below-market units and the approximate household incomes required to afford them.

Figure 7: Proposed Rents for Below-Market Units, Market Rents in Newer Westside Buildings, Costs of Ownership and Household Incomes Served

Unit Type	Below-Market Units		Newer Market Rental Buildings – Westside ²		Median-Priced Ownership Unit – Westside ³	
	Proposed Average Starting Rents	Maximum Average Household Income Served ¹	Average Starting Rents ²	Average Household Income Served ¹	Monthly Costs associated with purchase ³	Average Household Income Served ¹
Studio	\$950	\$38,000	\$1,832	\$73,280	\$2,857	\$114,280
1 Bedroom	\$1,200	\$48,000	\$1,975	\$79,000	\$3,554	\$142,160
2 Bedroom	\$1,600	\$64,000	\$2,804	\$112,160	\$5,355	\$214,200
3 Bedroom	\$2,000	\$80,000	\$3,349	\$133,960	\$8,707	\$348,280

1. As per CMHC, affordable housing is defined as shelter costs equal to or less than 30% of total before-tax household income, and these values represent the average minimum household income required for the average unit according to the CMHC definition. The actual rents and income required will be a range
2. Data from the October 2020 CMHC Rental Market Survey for buildings completed in the year 2011 or later on the Westside of Vancouver.
3. Based on the following assumptions in: median of all BC Assessment sales prices in Vancouver Westside in 2020 by unit type, 10% down payment, 5% mortgage rate (in-line with Bank of Canada conventional rate), 25-year amortization, \$150 – 250 monthly strata fees and monthly property taxes at \$2.92 per \$1,000 of assessed value (2019 assessments and property tax rate)

Average market rents in newer rental buildings on the Westside are shown in Figure 6. An average market rental studio unit could be affordable to a single person working in occupations in the education sector and industrial sector. A two-bedroom market rental unit could be affordable to a couple employed in occupations such as technical roles in engineering or manufacturing.

The market rental housing component will provide options which are significantly more affordable than home ownership as illustrated in Figure 6.

The affordability and operational requirements of the voluntarily approved below market rental units proposed in this project match those which apply to moderate income rental units under the *Moderate Income Rental Housing Pilot Program*. This includes the starting rent and vacancy control provisions, as well as the tenant eligibility criteria and operator verification and reporting requirements. To be eligible to rent a below market unit, a household must have a gross annual income that doesn't exceed the income requirements for the relevant unit type, and there must be at least one household member per bedroom. The eligibility requirements are described in further detail in the *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives* document. Staff support this approach and these requirements will be secured in the required housing agreement. All residents in the building will have equal access to common indoor and outdoor amenities and facilities illustrated in the architectural drawings in Appendix E.

Based on median incomes for metro Vancouver, a one-bedroom below-market unit would be affordable to persons employed in a variety of occupations such as service workers, entry level researchers and non-profit workers. A three-bedroom unit would meet the needs of a two-income family employed in the trades, industrial arts, and human resources.

Development Cost Levy Waiver –The developer has requested, and is eligible for, a DCL waiver. Housing staff have evaluated this application and determined that it qualifies for the DCL waiver (see Appendix G).

Secured rental projects for which applications are submitted before September 30, 2020 are eligible for a Utilities DCL waiver for the residential portion of a project provided that a building permit is issued within 12 months of the effective date of the *Utilities DCL By-law* change.

The *DCL By-law* does not allow rents for the below-market units to be increased ahead of initial occupancy. A Housing Agreement would also secure terms which ensure subsequent rent increases for the below market units are permanently capped at the annual allowable rate permitted under the *Residential Tenancy Act* S.B.C. 2002 c. 78 (the RTA), regardless of any change in the tenancy.

Security of Tenure – All 116 units would be secured as rental housing through a Housing Agreement and/or a Section 219 Covenant for the longer of 60 years and the life of the building. Covenants will be registered on title to prohibit the stratification, separate sale of individual units, and rentals for a term of less than one month.

The Housing Agreement will secure 20% of the residential floor area for below-market units to be rented at rates prescribed in the *DCL By-law* which are targeted to meet the affordability needs of moderate income households with incomes of between approximately \$30,000 and \$80,000 per year, and rent increases will be capped at the *Rental Tenancy Act's* annual allowable increase regardless of a change in tenancy. Conditions related to securing the units are contained in Appendix B of this report.

Existing Tenants - The newly amended *Tenant Relocation and Protection Policy* (the "TRP Policy") extends policy coverage to projects involving consolidation of two or more lots which contain existing secondary rental. This includes single-family 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 which 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 five 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. Out of the three tenancies, there is one eligible for provisions under the TRP Policy, including relocation assistance, assistance with moving costs, monetary compensation calculated based on length of the tenancy, and Right of First Refusal to return to a rental unit in the new building.

The applicant has provided a draft Tenant Relocation Plan (TRP), which will be secured as a condition of rezoning (summarized in Appendix F). A final TRP will be required at the time of Development Permit issuance, with an Interim Tenant Relocation Report required prior to Demolition Permit issuance, and a final Tenant Relocation Report prior to Occupancy Permit issuance.

To better understand tenants' relocation needs, including any special housing requirements or vulnerabilities (e.g. low income), the tenant has completed the Needs Assessment Survey. The tenant is receiving assistance from the developer earlier as she has decided to move out before the Notice to End Tenancy is issued.

All tenancies are protected under the *Residential Tenancy Act* which governs how residential properties are rented, and includes specific provisions regarding termination of tenancies. Any disputes would be resolved through the Residential Tenancy Branch.

5. Transportation and Parking

A total of 74 vehicle parking and 227 bicycle parking spaces are provided which the application states is in compliance with the *Parking By-law*, including use of the Transportation Demand Management (TDM) plan provisions. The parking and bicycle storage are located on two levels of underground parking, accessed from the lane. Conditions related to the parking level and vehicular access are included in Appendix B.

An approximate 5.2 m (17 ft.) dedication is required for an established building line on Arbutus Street which will allow for an enhanced public realm and a wider street right-of-way in the future. Conditions related to the dedication are included in Appendix B. The FSR proposed for the project is based on the site area prior to the dedication.

6. Environmental Sustainability and Natural Assets

Green Buildings - The *Green Buildings Policy for Rezoning* (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. As this application was received after May 1, 2017, this policy will apply.

The applicant has submitted preliminary energy modelling 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 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 which meet certain conditions. The intent is to retain and protect as many healthy, viable trees as possible, while still meeting the challenges of development, housing priorities and densification. This is in keeping with City goals to achieve resilient and healthy natural systems in our urban areas.

A total of 16 existing on-site trees were assessed and a total of nine of these have trunk diameters greater than 20 cm (8 inches) which are subject to the by-law. Of these nine trees, three are viable to retain and have been incorporated into the landscape design for the project.

A total of 34 new replacement on-site trees are proposed (25 on the ground and nine on the roof of the building associated with the proposed outdoor amenity area). A total of 14 street trees and off-site trees exist, which are to be protected and retained. See Appendix B for related conditions.

PUBLIC INPUT

Public Notification – A rezoning information sign was installed on the site on August 5, 2020. Approximately 480 notification postcards were distributed within the neighbouring area on or about September 4, 2020. Notification and application information, as well as an online comment form, was initially provided on the Rezoning Centre's applications webpage (vancouver.ca/rezapps) and subsequently re-directed to the City's new digital engagement platform *Shape Your City Vancouver* (shapeyourcity.ca) on July 29, 2020. In addition to a virtual open house, the public is invited to provide feedback throughout the rezoning application review.

The developer conducted their own public engagement process between February 2020 and December 2020 (see Developer's Public Engagement and Summary of Public Engagement by the Developer and Applicant in Appendix D).

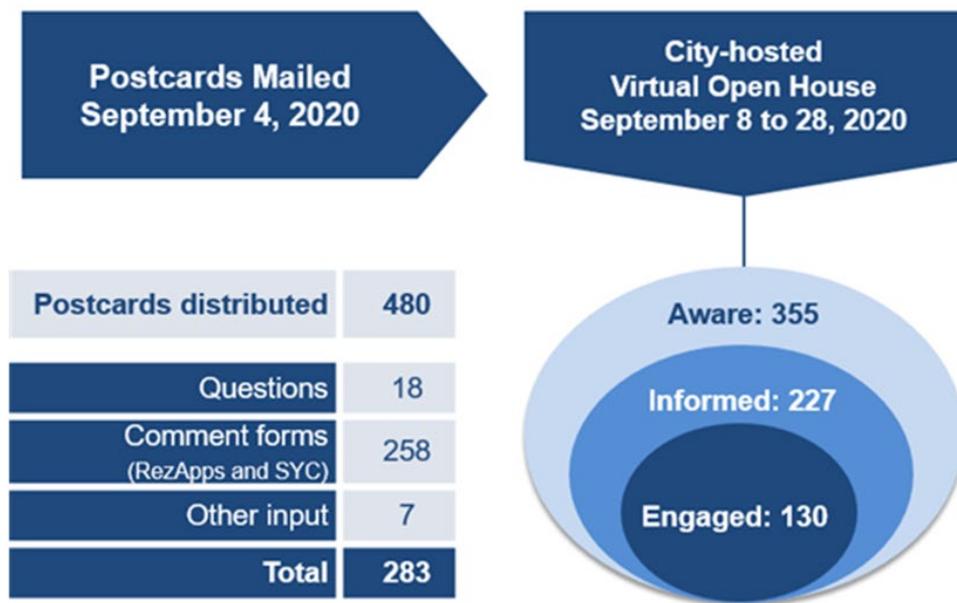
Virtual Open House – In-person open houses were put on hold based on the provincial health authority's restrictions for public gatherings due to the COVID-19 pandemic. In lieu of an in-person event, a virtual open house was held from September 8, 2020 to September 28, 2020 on the Shape Your City platform. The virtual open house consisted of an open-question online event where questions were submitted and posted with a response over a period of three weeks. Digital presentations from the City and the applicant were posted for online viewing, along with a digital model representation of the proposed application.

Due to the pandemic, a virtual engagement strategy was put in place to ensure the City's process for public discussion and obtaining feedback was maintained. This virtual approach allowed people to access materials online and engage at different levels at a time and location of their choosing. An extended virtual open house period allowed people to ask questions regarding the proposal, which staff actively monitored and responded to publicly.

Public Response and Comments – Public input was received throughout the application process through online questions and comment forms, and by email and phone. A total of

283 submissions were received of which 258 were online comments. Of the online comments, 140 responded through Shape Your City, which included an optional question for an overall position on the application (see Figure 8).

Figure 8: Overview of Notification and Engagement



Below is a summary of feedback received from the public by topic and ordered by frequency. For more detailed descriptions of the comments see Appendix D.

Generally, the main comments of support fell within the following areas:

- housing affordability
- building height and density
- building design and contextual response
- adding to community vibrancy

Generally, the main comments of concern fell within the following areas:

- inappropriateness of the form of development at this location
- shadowing and privacy impacts
- traffic and parking impacts
- height and density (both too high and too low)
- lack of need for rental housing in the area
- affordability
- insufficient amenities and school capacity
- precedence for similar development in the area

Staff responses to the concerns are noted below:

Height, Density, and Form of Development – The height, number of dwelling units (116), and the density proposed (2.53 FSR) are consistent with typical rental apartment forms of this scale (six storeys) which occur throughout the City along arterials and where they adjoin lower density areas. The *AHC Policy* permits six storey secured rental development within 500 m of a local shopping area which is the case with this application. Additional height over six storeys is not permitted under the *AHC Policy*. Staff conclude that the proposal, with conditions as listed in Appendix B, is supportable for height, density and form of development.

Shadowing and Privacy Impacts on Surrounding Properties - The project occupies a full block end and is separated from surrounding properties by streets or the lane, which helps mitigate direct impacts. The properties directly to the west across the lane would see some shadowing in the morning. There would be no shadowing impacts in the afternoon or evening. To the north across 20th Avenue shadowing would occur only at noontime. To the east, the nearest properties are approximately 50 m (164 ft.) across Arbutus Street and the Arbutus Greenway, with little or no impact (see shadow diagrams in Appendix E).

Between the building and the properties across the lane, the building steps down in height. Open green space and landscaping, including perimeter screening, has been proposed to soften the visual impact of the project's interface across the lane (see Figure 3 and 9, and Appendix E). Three existing trees are to be retained and 34 new trees added to the site (see Natural Assets). Balconies have been inset where possible and screening provided at roof decks to minimize overlook to the west.

During the review process several residents requested an additional shadowing analysis which the applicant provided and which was posted on the Shape Your City Website on March 9, 2021, and which is included in Appendix E.

Staff conclude that the project has been appropriately designed to mitigate overlook, privacy, and shadowing, as well as visual impact at the lane. Further design development improvements are included as conditions in Appendix B.

Traffic Impacts – The applicant submitted a Traffic Assessment and Management Study prepared by a traffic consultant as part of the application, which estimated that the traffic on Arbutus would increase approximately 1% in the immediate area at peak hours with the project as proposed, and the lane behind the project would see 25 vehicles per hour approximately at peak times (this assessment includes traffic generated from existing development in the area in addition to the proposal), or one vehicle every 2.5 minutes. These values are considered low impact and no further Traffic Management Plan was recommended.

The vehicular access ramp is located at the lane intersection at the middle of the site which is an optimal location with regard to safety and circulation (see Figure 9). Additional conditions in Appendix B include the addition of mirrors and corner cuts to maximize lane safety, which will be incorporated into the project. Staff conclude that while there may be modest increases in traffic impacts these would be commensurate with development occurring overtime in the area and throughout the City in all neighbourhoods.

Figure 9: Aerial View Looking East (Rear) Showing Vehicle Ramp Location



The site is located along the Arbutus bus route and a bike route is located on the Arbutus Greenway directly to the east. The site is located approximately 1 km. from Broadway and the future Broadway Line, where a station is planned for the intersection at Arbutus Street. Frequent bus service is also provided on the King Edward bus route five blocks to the south..

Precedence – Development under the *AHC Policy* is only permitted within certain locations (see Height, Density, and Form of Development) and no more than two applications within 10 blocks on a street may be considered. No other applications under the *AHC Policy* were received within 10 blocks of the project (see Policy Context for details on current policy).

New proposals under the *AHC Policy* were not accepted after June 30, 2019 and other than this proposal, no other rezoning enquiries or applications under the *AHC Policy* have been submitted for this area. The Secured Rental Policy will contain future multiple-dwelling rental options for RS zoned areas, however the provisions to enable such developments, and related conditions, are still under review and would first require adoption by Council through a public hearing (see Secured Rental Policy).

Proximity to Amenities - The site is located near Trafalgar Park, the Arbutus Greenway, a large grocery at 16th and Arbutus, and a child care facility, as well as being located along a transit route with regular bus service. The site is also located near the Arbutus Village commercial redevelopment south along Arbutus Street between Yew Street and Nanton Avenue. The local catchment elementary school (Trafalgar) is anticipated to operate below capacity well into the future (see Neighbourhood Amenities). Staff conclude that the project is appropriately served by local amenities.

Affordability - The *AHC Policy* is not intended to create rents affordable to all Vancouver residents. The main intent of the policy is to increase the supply of secured rental units to address Vancouver's very low vacancy rate and Westside/Kerrisdale area low vacancy rate of 1.1%, which are below the balanced market target of 3%. This application includes below-market rental units (20 per cent of residential floor area), where the monthly rents are targeted to meet the affordability needs of households with moderate annual incomes of approximately \$30,000 to \$80,000, a key objective of the Housing Vancouver Strategy. For more information on average rents and incomes see Figures 3, 4, and 5.

The developer's pro forma has been assessed by Real Estate Services staff who concluded that the project would not generate undue profit and a CAC is not required (see Community Amenity Contributions [CACs]).

Developer's Public Engagement – Developer's Public Engagement – The developer conducted a number of community engagement initiatives between February and December 2020, outside of City engagement processes and has provided a summary (see Appendix D). Information and comments received from these engagements were sent to City staff for review.

Staff assessment of the proposed development is that it successfully provides a six storey apartment form into the surrounding low density residential context, and that the applicant has been responsive to concerns expressed by the community and staff. The project would deliver much needed rental units in a transit-supported location, which meets the intent of the *AHC Policy*. The project voluntarily provides 20% of the floor area to be reserved as below-market units, which further addresses the City's affordability crisis.

PUBLIC BENEFITS

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

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

The site is subject to City-wide DCLs and City-wide Utilities DCLs on the proposed 7,761 sq. m. (83,509 sq. ft.) of residential floor area.

As permitted under section 3.1A of the DCL By-law, the applicant has requested a waiver of DCLs attributed to the residential floor area qualifying as for-profit affordable rental housing. A review of how the application meets the waiver criteria is provided in Appendix G.

In this case, a CAC analysis was required (see Community Amenity Contributions (CACs) and therefore the decision to take or not take the waiver is to be indicated at the rezoning stage, as it is a factor in the review. The developer has indicated that the DCL waiver will be sought, and the housing agreement will be completed accordingly (see DCL Waiver).

Based on the rates in effect as of September 30, 2020, it is anticipated that the project will generate approximately \$836,000 in Utilities DCLs. The value of the waiver of the City-wide DCL for the residential floor area is approximately \$1,505,000.

As described previously in this report, projects for which applications are submitted before September 30, 2020 remain eligible for a Utilities DCL waiver for the qualifying rental residential floor area, provided that a building permit is issued by September 30, 2021.

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.

Public Art Program - The *Public Art Program for Rezoned Developments* requires that rezoning applications 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.

Rental Housing - The applicant has proposed that all residential units will be secured rental housing (non-stratified) for the longer of 60 years and the life of the building. The public benefit accruing from this application is the contribution to the City's secured rental housing stock serving a range of income levels.

Community Amenity Contributions (CACs) - Within the context of the City's Financing Growth Policy, an offer of a CAC to address the impacts of rezoning may 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 Secured Market Rental Housing Policy (2012) and Rental Incentive Guidelines (2019). However, because this application involves development of a building greater than 5 storeys outside of specific community plan areas, a pro-forma review is still required. Real Estate Services staff analyzed the developer's pro forma, which reflected the DCL waiver and concluded that given the cost to secure below market rental units for the longer of 60 years and the life of the building, no CAC is required.

The offered public benefit achieved for this application is 116 secured rental housing units, with 20% of the floor area assigned to below-market units. See Appendix H for a summary of all of the public benefits for this application.

FINANCIAL IMPLICATIONS

Based on the rates in effect as of September 30, 2020, it is anticipated that the project will pay \$836,000 in Utilities DCLs. The project is expected to qualify for a waiver of City-wide DCLs of \$1,505,000. The project will remain eligible for a Utilities DCL waiver provided that a building permit is issued by September 30, 2021.

The 116 secured rental housing units, including approximately 24 below market units, will be privately owned and operated, secured by a Housing Agreement and Section 219 Covenant for the longer of 60 years and the life of the building.

No additional CAC or public art contribution is applicable.

CONCLUSION

Staff assessment of this rezoning application has concluded that the proposed six storey secured residential rental building containing 116 units under the *AHC Policy* is an appropriate urban design response to the site and its context. The application, along with the recommended conditions of approval, is consistent with the intent of the *AHC Policy*, and will secure 20% of the floor area (approximately 24 units) at below-market rental rates, as a voluntary contribution towards moderate income households. The application will assist in meeting targets set out in the *Housing Vancouver Strategy* and address the affordability crisis.

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

* * * * *

**3609-3687 Arbutus Street
PROPOSED CD-1 BY-LAW PROVISIONS**

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

Zoning District Plan Amendment

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

Definitions

3. Words in this By-law have the meaning given to them in the Zoning and Development By-law, except that:
 - (a) for the purposes of calculating the total dwelling unit area for section 5.1 of this By-law, “dwelling unit area” is the floor area of each dwelling unit, measured to the inside of all perimeter walls, excluding any floor area as required by section 6.4 of this By-law; and
 - (b) “Moderate Income Rental Housing Units” means dwelling units that qualify as moderate income rental housing as secured by a housing agreement registered on title to the property, including by meeting the maximum average rent requirements by unit type and by being made available only to eligible occupants in accordance with the housing agreement.

Uses

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

- (a) Dwelling Uses, limited to Multiple Dwelling; and
- (b) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 5.1 A minimum of 20% of the total dwelling unit area must be Moderate Income Rental Housing Units.
- 5.2 The design and layout of at least 35% of the dwelling units must:
 - (a) be suitable for family housing; and
 - (b) include two or more bedrooms, of which:
 - (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.

Floor Area and Density

- 6.1 Computation of floor area must assume that the site area is 3,063 m², being the site area at the time of the application for the rezoning evidenced by this By-law, prior to any dedications or subdivision of the land.
- 6.2 The floor space ratio for all uses combined must not exceed 2.53.
- 6.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.
- 6.4 Computation of floor area and dwelling unit area must exclude:
 - (a) balconies and decks, and any other appurtenances which in the opinion of the Director of Planning are similar to the foregoing, except that:
 - (i) the total area of all such exclusions must not exceed 12% of the floor area being provided for dwelling uses; and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof decks, if the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and

- (d) amenity areas accessory to a residential use, to a maximum of 10% of the total floor area being provided for dwelling uses; and
 - (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.
- 6.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, unenclosed outdoor areas at grade underneath the building overhangs, except that they must remain unenclosed for the life of the building.
- 6.6 Where floor area associated with residential storage area is excluded, a minimum of 20% of excluded floor area above base surface must be located within the Moderate Income Rental Housing Units as storage area.

Building Height

- 7.1 Building height measured from base surface to the top of the roof top access structures must not exceed 24.7m.
- 7.2 Despite section 7.1 of this By-law and section 10.18 of the Zoning and Development By-law, the Director of Planning may permit a greater height for rooftop amenity spaces and mechanical appurtenances.

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least one window on an exterior wall of a building.
- 8.2 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.
- 8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.
- 8.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council and the minimum distance of the unobstructed view is not less than 3.7 m.
- 8.5 An obstruction referred to in section 8.2 means:
- (a) any part of the same building including permitted projections; or
 - (b) the largest building permitted under the zoning on any adjoining site.
- 8.6 A habitable room referred to in section 8.1 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 m².

Acoustics

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

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

* * * * *

**3609 – 3687 Arbutus Street
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 BHA Architecture Inc. on behalf of PCI Arbutus Ridge Ventures Holdings Corp, the registered owners, received April 30, 2020, 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 usability of the courtyard as follows:
 - (a) Providing at least a 24 ft. clear area between the exterior-most cladded surfaces of the buildings.
 - (b) Avoiding placement of balconies into the courtyard space.
 - (c) If possible, notching the two corners of the amenity-rooms closest to the Arbutus frontage in order to open up the aperture to the courtyard.

Note to Applicant: Widening the courtyard to 24 ft. clear might involve shifting one or both buildings a few feet. The preference is to shift the south-building south to not add shadow-impacts on the northerly properties.

2. Design development to ensure impact on surrounding properties and the public realm is not increased through the following:
 - (a) Minimize the shadowing on the Arbutus greenway's paved pedestrian pathway where viable.
 - (b) Maintain all setbacks as shown in the rezoning application for all subsequent stages so as to not increase overlooks and shadowing to the west.

Note to Applicant: Minimizing shadows on the Arbutus Greenway is to ensure this public space is as minimally impacted as possible, i.e. between the spring and autumn equinoxes. Maintaining the proposed setbacks as shown in this rezoning through the

Development Permit stages is to not further exacerbate overlook and shadowing, and maintain the sense of openness.

3. Consideration to further introduce more variation between the two buildings:

Note to Applicant: This does not necessarily mean producing a drastically different massing or floor-plans for one (or both) of the buildings. This condition could be achieved by making the buildings less symmetrical, by means of having variation in the window and balcony sizes, composition, and greater variation in cladding.

4. Design development to refine the amenity space by Incorporating openable glass-wall systems for the exterior walls of both amenity rooms:

Note to Applicant: The glass-walls are to have more direct connection between the interior and exterior so that a wider range of activities, which may use a larger span of space, can occur.

5. Design development to improve general livability and privacy for the proposed buildings' residents as well as adjacent neighbours by.

- (a) Addressing potential overlook and direct sightline issues at the inner corners of both buildings.

- (b) Providing screening devises at units facing directly to houses across the lane.

Note to Applicant: Balconies and windows at the inner-corner have close distances which may raise privacy concerns. These issues may be resolved by planter-screens and/or adjusting the window sizes, glass-pane opacity, and locations, and reconfiguring the unit-layouts. These elements are to be consistent with the Landscape Design conditions.

Landscape Design

6. Minimize privacy impacts across the lane through landscaping and screening where possible, including the provision of perimeter screening at roof decks at the third floor and above.
7. Further design development will be required for the interface at Arbutus Street, while responding to the future dedication for road and sidewalk widening.
8. Confirm arboricultural viability for the proposed tree retention / protection strategy by the provision of an updated arborist report, outlining detailed methods of protection during construction, where necessary.
9. Explore opportunities to improve the sustainability measures for the site including, but not limited to, green roofs areas, edible landscape, and durable landscape features and materials, etc.

Note to Applicant: Urban agriculture plots should follow the City's *Urban Agriculture Guidelines for the Private Realm* and include infrastructure required, such as potting benches, hose bibs, etc.

10. Landscape treatment in common areas on slab is 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. 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 across and 1.2 m down) to maximize contiguous soil volumes.
11. Identify on the plans high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 9sq. m. in area.
12. Explore opportunities for onsite rain water infiltration and soil absorption. Refer to the City of Vancouver Integrated Rainwater Management Plan (I.R.M.P), Vol.1 & 2 for further information. Further comments may be outstanding at the development permit stage.
13. Plans, details, and documentation/calculations which support rainwater management, are to be provided, including absorbent landscapes, soil volumes and detention systems. The following may be required at the development permit stage:
 - (a) 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.
 - (c) An overlay plan which shows amount and ratio of vegetative cover. Permeable and 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, assuming soil volumes are capable of receiving rainwater, are only valid if water is directed from hard surfaces to infiltration zones.

14. At the time of the Development Permit Application the following will be required, which may entail further landscape reviews:
 - (a) a detailed landscape plan;
 - (b) architectural and landscape cross sections;
 - (c) a Tree Management Plan;
 - (d) a letter of undertaking related to landscape requirements; and
 - (e) an outdoor lighting plan,

Sustainability

15. 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

16. The following are to be addressed at the development permit stage:
- (a) Water Sustainability Act: Construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial Approval or License. Applications for provincial Approvals or Licenses can be completed online. The application will be received and accepted into the province's online system, and the provincial authorizations team strives for 140 days to get the approval to the applicant. The approval holder must be able to produce their approval on site so that it may be shown to a government official upon request. Dewatering before this approval is granted is not in compliance with the provincial Water Sustainability Act. Provide a letter confirming acknowledgement of the condition. For more information: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals>.
 - (b) 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.
 - (c) 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.

- (d) 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.
- (e) Design development to improve access and design of bicycle parking and comply with the Bicycle Parking Design Supplement.
 - (i) Provision of an alcove for the bike room access off the vehicle parking ramp and maneuvering aisle.
 - (ii) Provision of automatic door openers for all doors on the route from Class A bicycle storage to the outside.
 - (iii) Provision of design specifications for stacked bicycle racks including dimensions, vertical and aisle clearances.

Note to Applicant: Racks must be usable for all ages and abilities. 1.2m access aisles must be maintained with the stacked bicycle rack in the down position.

- (f) Design Development to improve access and design of loading spaces and comply with the Parking and Loading Design Supplement.
 - (i) Provision of 1 Class A Passenger loading space at grade.
- (g) 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:
- (h) Provision of improved two-way flow for vehicles on the ramp and in the parking areas.
 - (i) Improve two-way traffic flow at the main ramp, through provision of corner cuts at the top and bottom, as per Bunt report.
 - (ii) Improve visibility for two-way vehicle movement via parabolic mirrors throughout parkade.
- (i) Column encroachments, setbacks and parking space widths to comply with the Parking and loading design Supplement.

Note to Applicant: Explore relocating columns located next to a wall to provide more user friendly spaces. Provision of wheel blocks for all spaces perpendicular to access aisles or fronting another parking space will be required.

- (j) The following information is required for drawing submission at the development permit stage to facilitate a complete Transportation review:
- (i) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
 - (ii) All types of parking and loading spaces individually numbered, and labelled on the drawings.
 - (iii) Dimension of column encroachments into parking stalls.
 - (iv) Show all columns in the parking layouts.
 - (v) Dimensions for typical parking spaces.
 - (vi) Dimensions of additional setbacks for parking spaces due to columns and walls
 - (vii) Dimensions of manoeuvre aisles and the drive aisles at the parkade entrance and all gates.
 - (viii) 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:
 - Areas of minimum vertical clearances labelled on parking levels.
 - 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.
 - Indicate the stair-free access route from the Class A bicycle spaces to reach the outside. Stair ramps are not generally acceptable.
 - Existing street furniture including bus stops, benches etc. to be shown on plans.
 - The location of all poles and guy wires to be shown on the site plan.
- (k) Provision of a draft final Rain Water Management Plan (RWMP) prior to DP issuance, which includes a written report, supporting calculations, site plan and drawings to the satisfaction of Engineering Services.

Note to applicant: The draft final resubmission at DP must include the following amendments:

- (i) Applicant must provide post development peak flow rate based on final site plan or the best estimates if final site plan is not available.
- (ii) Peak flow calculations to use 1:5 year return period. Inlet time = 10 minutes. Travel time to be estimated by applicant. Ensure that the pre-development

calculation uses the 2014 IDF curve values and the post-development calculation uses the 2100 IDF curve values.

- (iii) Recalculation of the detention tank volume to equal the greater of either the pre-development peak flow storage volume or the amount of the 24 mm rainfall not captured in Tier 1 & Tier 2 practices.
- (iv) Exploration into Scenario #1, using 2nd tier measure (on-slab landscape infiltration). Grading hardscapes into adjacent (or lower level) landscaping as referenced in the September 2nd email, and provide details on the site plan.
- (v) Provide a landscaping plan (with soil volumes) and grading plan (with flow directions) to support the proposal of landscaping capture. Coordination with the landscape architect is required.
- (vi) Provide a site map detailing the different surface types and how rainwater will be directed or retained in each area. Include the following:
 - All routing of water throughout the site.
 - Buildings, landscape areas, patios and walkway locations.
 - Location of any proposed detention tank, water quality treatment and flow control system with connections to the sewer system.
 - Area and depth of landscaping to support the claim of absorbent landscaping as a rainwater capture method.

Note to applicant: A legal agreement related to Rainwater Management will be required prior to issuance of a Development Permit.

(vii) Limit gate swings to no more than 1'-0" over the ultimate east property line.

(viii) Landscape Drawings are to include:

- all standard street tree notes.
- removal of all hedges from CoV property.
- removal of pavers and concrete stepping slabs from CoV property. Hardscape finish on CoV property to be standard concrete.
- provision of infill trees where space permits.
- Removal of back boulevard trees on W 20th Avenue.

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

Housing

18. A minimum of 20% of the dwelling unit area is to be assigned to below-market units as prescribed in the draft CD-1 Bylaw in Appendix A.
19. The proposed unit mix is to be included in the development permit drawings and must include not less than 35% family units (two or more bedrooms and be designed to be suitable for families with children) for each of the market rental units and below-market units.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board, provided that the family unit mix for each of the market rental units and below-market units does not go lower than 35 per cent and the family units are designed to be suitable for families with children.

20. The building is to be designed in accordance with the *High-Density Housing for Families with Children Guidelines* including the provision of:
 - (a) A minimum of 2.3 sq. m. (25 sq. ft.) bulk storage for each dwelling unit (in the unit or within easy access of the unit).
 - (b) A private open space (e.g. balcony) for each unit which is a minimum of 1.8 m (6 ft.) deep by 2.7 m (8.8 ft.) wide. Maximized private open space for each unit in the proposal is encouraged.
 - (c) Outdoor amenity area to include areas suitable for a range of children's play activities with a minimum area of 130 sq. m. (1,399 sq. ft.) (Section 3.2.2.a).
 - (d) Seating with a direct line of sight to the play area (Section 2.5.2).
 - (e) A multi-purpose indoor amenity room of at least 37 sq. m. (398 sq. ft.) which should include a kitchenette and accessible washroom.
21. Prior to issuance of a 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, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering Services

1. Consolidation of Lots 9 to 13, Block 532, District Lot 526, Plan 4998 to create a single parcel and subdivision of that site to result in the dedication of the easterly 17 feet (the Building Line area) for road purposes.

Note to Applicant: The area to be dedicated is to be free of all structure. 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. Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called “the Services”) such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the Services are provided all to the satisfaction of the General Manager of Engineering Services. No development permit for the Rezoning Site, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit, as security for the Services, is provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion Except as explicitly provided for in Condition 3(a) & 3(b), the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

- (a) based on the confirmed Fire Underwriter’s Survey Required Fire Flows and domestic flows submitted by S.T. Clinton PEng dated March 24th, 2020, no water main upgrades are required to service the development.

Note to applicant: The main servicing the proposed development is 150mm along W 20th Ave or 200mm along Arbutus St. Should the development require water service connections larger than the existing main, the developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost of the upgrading.

Note to applicant: Should the development’s Fire Underwriter’s Survey Required Fire Flow **calculation** change as the building design progresses, a resubmission to the City of Vancouver Waterworks Engineer is required for re-evaluation of the Water System.

- (b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.
 - (i) Implementation of development(s) at 3609 Arbutus St requires the following in order to improve combined sewer flow conditions.

Local Servicing Upgrades:

Separate and upsize 200m existing 200/250 mm COMB sewer along L/W Arbutus St from W 21 Ave (MH__FJD36W) to W 19 Ave (MH__FJCTYN) to 200mm SAN and 450 mm STM sewers.

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

The post-development 5-year flow rate discharged to the storm 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.

Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. All submittals including Issued for Construction (IFC) drawings are required to be reviewed and accepted by the City Engineer prior to building permit issuance.

Note to applicant: Groundwater requirements are not currently an immediate concern at this site. The City may require a Hydrogeological Study, Groundwater Management Plan, and/or Impact Assessment if dewatering rates are significant or concerning, to the City's discretion. The developer is advised to undertake adequate investigations to understand the site groundwater conditions early on in the planning and design process

- (c) Provision of \$30,000 for sewer flow monitoring prior to the rezoning enactment, the sewer conditions can be confirmed based upon the flow monitoring outcome.
- (d) Provision of street improvements along Arbutus Street adjacent to the site and appropriate transitions including the following:
 - (i) Front boulevard with street trees where space permits.
 - (ii) 2.44m (8') wide broom finish saw-cut concrete sidewalk.
 - (iii) Curb ramps.
 - (iv) Upgraded street lighting (roadway and sidewalk) adjacent to the site to current COV standards and IESNA recommendations.
 - (v) Removal of the existing driveway letdown and reconstruction of the curb to current standards.

Note to Applicant: Provision of a lighting simulation is required.

- (e) Provisions of street improvements along W 20th Avenue adjacent to the site and appropriate transitions including the following:
 - (i) Front boulevard with street trees where space permits.

- (ii) 2.14m (7') wide broom finish saw-cut concrete sidewalk.
- (iii) 50mm mill and pave to centerline.
- (iv) New curb ramps at W 20th Avenue and Arbutus Street.
- (v) Upgraded street lighting (roadway and sidewalk) adjacent to the site to current COV standards and IESNA recommendations.
- (vi) Relocation of the existing above ground utility kiosk to outside of the future sidewalk.
- (vii) Removal of the existing driveway letdown and reconstruction of the curb to current standards.
- (viii) Adjustment to all existing infrastructure to accommodate the proposed street improvements.

Note to Applicant: Provision of a lighting simulation is required.

- (f) Provision of street improvements along W 21st Avenue adjacent to the site and appropriate transitions including the following:

- (i) Front boulevard with street trees where space permits.
- (ii) 2.14m (7') wide broom finish saw-cut concrete sidewalk.
- (iii) 50mm mill and pave to centerline.
- (iv) New curb and gutter along W 21st Avenue along the development site's frontage including the curb return at the intersection of W 21st Avenue and Arbutus Street.
- (v) Upgraded street lighting (roadway and sidewalk) adjacent to the site to current COV standards and IESNA recommendations.
- (vi) New curb ramps at W 21st Avenue and Arbutus Street.
- (vii) Adjustment of all existing infrastructure to accommodate the proposed street improvements.

Note to Applicant: Provision of a lighting simulation is required.

Note to Applicant: Design details of off-site improvements to be finalized at the development permit stage.

- (g) Provision of improvements at the intersection of Arbutus and W 20th Ave including:

- APS (accessible pedestrian signal), and associated enabling works and adjustments to all existing infrastructure to accommodate the proposed

street improvements (including any replacement or modification of related traffic signal equipment).

- Upgrade intersection lighting to current COV standards and IESNA recommendations.

Note to Applicant: Provision of a lighting simulation is required.

- (h) 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.

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

- (i) Provision for rebuilding the lane adjacent to the site between W 20th Avenue and W 21st Avenue as per CoV "Higher-zoned Streets/Lanes" specification. Relocate existing catch basins in the lane or install new catch basins as necessary to ensure all the lane runoff is captured by the catch basins.
- (j) Provision of a new standard concrete pedestrian lane crossing, new curb returns and curb ramps at the existing lane crossings on W 20th and W 21st Avenue adjacent to the site.

Note to applicant: W 20th Avenue. 50mm mill and pave the area around the proposed concrete crossing where the existing asphalt pavement is in poor condition.

Note to applicant: W 21st Avenue. Remove existing concrete pad from the crossing and replace with new concrete crossing as per CoV standards. The area around the proposed concrete crossing to be rebuilt in asphalt with higher-zoned pavement structure.

- (k) Provision to construct speed humps in the lane west of Arbutus between W 20th Avenue and W 21st Avenue.
- (l) Provision for the installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of 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' long

and 18" deep, centre on each street tree adjacent to the sidewalk and any off street bike facility

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

- (a) Improvements at the intersection of Arbutus Street and West 20th Avenue

Note to Applicant: The benefiting area for these works is identified as the properties a half a block north and south of West 20th Avenue and west to the lane west of Arbutus Street.

- (b) Separate and upsize 200m existing combined sewer main.

Note to Applicant: the benefitting area for these works is under review.

4. Provision of all utility services to be underground from the closest existing suitable service point for this "conditional" development. In addition, submission of a written confirmation from BC Hydro that all required electrical plant is provided for on the development property.

Note to applicant: BC Hydro service to the site shall be primary. All BC Hydro infrastructure (e.g., pad mounted transformer, vista switch and control kiosks) shall be located on the development property.

This proposed development is adjacent to existing BC Hydro electrical works, contact BC Hydro for project review and comment to ensure any potential impact or risks from your proposed development or construction will be assessed and addressed. See BULLETIN 2015-002-EL - Clearances from Existing BC Hydro High Voltage Overhead Conductors and Transformers for more information (<https://vancouver.ca/files/cov/2015-002-clearances-from-the-existing-bc-hydro-high-voltage-overhead-conductors-and-transformers.pdf>).

Submission of a Key Plan to the City for review and approval prior to submission of any third party utility drawings is required. The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan. All third party service lines to the development shall be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant shall acquire written acceptance from the third party utilities prior to submitting to the city. The review of third party utility service drawings will not be initiated until the Key Plan is completed. For questions on this requirement, please contact Utilities Management Branch at 604-829-9447 or at umb@vancouver.ca.

Housing

5. Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability, and the Director of Legal Services to enter into a Housing Agreement and/or Section 219 Covenant to secure all residential units as secured rental housing units, including at least 20 per cent of the residential floor area that is counted in the calculation of the dwelling unit area per the CD-1 By-law secured as below-market rental units subject to the conditions set out below for such units and in accordance with

the requirements set out in the Moderate Income Rental Housing Pilot Program, for the longer of 60 years and the life of the building, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require. The agreement or agreements will include but not be limited to the following terms and conditions

- (a) A no separate sales covenant;
- (b) A no stratification covenant;
- (c) A provision that none of such units will be rented for less than one month at a time;
- (d) All rental units will be secured as rental for a term of the longer of 60 years and the life of the building;
- (e) The two amenity rooms must be accessible to all residents in both buildings;
- (f) That a rent roll be provided indicating the agreed initial monthly rents for each below market rental unit, when the Housing Agreement is entered into and again prior to development permit issuance;
- (g) That the average initial starting monthly rents for each below market rental housing unit, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will be at or below the following rents, not subject to adjustment, as set out in section 3.1A (d) of the Vancouver Development Cost Levy By-law and section 2a of the Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements And Available Incentives Administration Bulletin;

Unit Type	Proposed Average Starting Rents
Studio	\$950
1-bed	\$1,200
2-bed	\$1,600
3-bed	\$2,000

and that a rent roll indicating the agreed maximum average initial monthly rents for the units secured at below market rates will be required prior to Development Permit issuance, and again prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design or Sustainability and the Director of Legal Services;

- (h) That the the average size of each unit type is at or below the limit as contemplated by the Vancouver Development Cost Levy-By-law;

Unit Type	Maximum Average Unit Size
Studio	42 sq. m (450 sq. ft)
1-bed	56 sq. m (600 sq. ft)
2-bed	77 sq. m (830 sq. ft)
3-bed	97 sq. m (1,044 sq. ft)

- (i) That rent increases for the below market units will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy;
- (j) That the applicant will verify eligibility of new tenants for the units secured at below-market rates based on the following:
 - (i) For new tenants, annual household income cannot exceed four (4) times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and
 - (ii) That there should be at least one occupant per bedroom in the unit.
- (k) The applicant will verify the ongoing eligibility of existing tenants in the units secured at below-market rates every five (5) years after initial occupancy:
 - (i) For such tenants annual household incomes cannot exceed five (5) times the annual rent for the unit (i.e. at least 20% of the income is spent on rent); and
 - (ii) There should be at least one occupant per bedroom in the unit.
- (l) That an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the below-market units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the below-market units, and a summary of the results of eligibility testing for all units; and
- (m) On such other terms and conditions as the General Manager of Planning, Urban Design or Sustainability (or successor in function) and the Director of Legal Services may require in their sole discretion.

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

Sustainability

- 6. 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.

Environmental Contamination

7. 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 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.

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 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.

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**3609 – 3687 Arbutus Street
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 the following: *[PID 010-172-254; Lot 9 Block 532 District Lot 526 Plan 4998; PID 011-259-361 Lot 10 Block 532 District Lot 526 Plan 4998; PID 011-259-388 Lot 11 Block 532 District Lot 526 Plan 4998; PID 011-259-400 Lot 12 Block 532 District Lot 526 Plan 4998; and PID 011-259-418 Lot 13 Block 532 District Lot 526 Plan 4998]* from the RS-1 maps forming part of Schedule A of the Subdivision By-law.

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3609 – 3687 Arbutus Street
PUBLIC CONSULTATION SUMMARY

1. List of City Engagement Events, Notification, and Responses

	Dates	Results
Event		
Virtual open house (City-led)	September 8 – 28, 2020	355 participants (aware)* <ul style="list-style-type: none"> • 227 informed • 130 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	September 4, 2020	480 notices mailed
Public Responses		
Online questions	September 8 – 28, 2020	18 submittals
Online comment forms <ul style="list-style-type: none"> • via Rezoning Centre website • via Shape Your City platform 	May – July, 2020 July – October, 2020	118 submittals 140 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	July – October, 2020	139 submittals <ul style="list-style-type: none"> • 57 responses • 116 responses • 1 response
Other input	July – October, 2020	7 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	July – October, 2020	567 participants (aware)* <ul style="list-style-type: none"> • 274 informed • 140 engaged

Note: All reported numbers above are approximate.

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

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

2. Map of Notification Area



3. Analysis of All Comments Received

Below is a list of all public feedback by topic and ordered by frequency.

Generally, comments of support fell in the following areas:

- **Affordable housing:** The project aligns with City policies and responds to the housing affordability crises, especially with the shortage of secured rental housing in the west side of Vancouver. The development would also allow families and young professionals to live in the neighbourhood.
- **Building height and density:** The proposed building height and density is suitable along Arbutus Street. The natural slope of the arterial also creates an illusion of a shorter height.
- **Building design:** The building design is thoughtful to the surrounding homes, while ensuring efforts to preserve the privacy of its neighbours. The split between the two buildings would also be a suitable space for people to socialize and allow for more sunlight. The location of the vehicle ramp is appropriate.
- **Neighbourhood context:** The neighbourhood would benefit from the project and create a more vibrant environment.

Generally, comments of concern fell within the following areas:

- **Neighbourhood context:** The project is out of character in the residential neighbourhood that is made up of character homes. The development would cause a negative impact on the liveability, peace and safety of the area. Residents also noted

that they pay a significant amount of taxes to reside in this neighbourhood, as a result, they expect a quiet environment. Preference for townhouse developments were mentioned as a trade off to the current proposal as well.

- **Rental development and community:** Proposing a rental project would disrupt the quiet neighbourhood with crime and safety issues. An overpopulation of transient renters would also not reflect the values of the existing community.
- **Parking within the development:** The proposed project would not have enough parking spaces which could cause vehicles to park along the street and impact homeowners. Respondents also cited that the project assumes the majority of people would bike or take public transit.
- **Building height and density:** The proposed building height and density is not appropriate in a single dwelling neighbourhood. The development should keep to the current zoning. One respondent, however, noted that the density is too restrained and could have delivered more units with higher density and height.
- **Traffic and assessments:** More noise and congestion could result from the development, particularly because Arbutus Street would not have the capacity to handle the additional traffic. Respondents also noted that there are no studies to show whether road infrastructure could handle the extra density.
- **Parkade access:** The parking access would create more traffic, pollution, and safety concerns along the narrow back lane that is currently used for residents' quiet enjoyment and leisure.
- **Secured rental housing demand:** The ability to work and study remotely due to the Covid-19 pandemic allows people to live further away from the city. As a result, this project is not needed in the neighbourhood.
- **Affordable housing:** There are already numerous rental developments that are previously approved, such as Oakridge Centre. Affordable housing is also a city-wide issue and its solution should be dispersed in other neighbourhoods rather than focusing on one area. Furthermore, respondents noted that 80% of tenants would need to subsidize the 20% moderate income earners. This is unfair for tenants whose income is slightly above moderate.
- **Property value:** Property values would be negatively impacted. Existing residents question how the City would compensate homeowners for their losses.
- **Schools and parks:** The existing community amenities would not be able to service the additional density. Local schools are also at capacity and should not be burdened with more students.
- **Consultation and community planning:** The proposal requires proper consultation and community planning due to the scale of development. This would help existing residents be better informed.

- **Covid-19 pandemic impacts:** Respondents noted that they are not able to properly discuss this application due to the Covid-19 pandemic. The project should be delayed as a result.
- **For profit development:** The project only benefits the developer at the cost of existing residents. It creates uncertainty for homeowners to move away or stay in the neighbourhood.
- **Commercial space:** The commercial spaces in the area are not in high demand. They could be converted into residential uses.
- **Bus capacity:** There would not be enough public transit in the area to handle the extra density.
- **Location:** The project is better suited along a commercial area, such as Broadway, that could handle more density.
- **Sunlight and shadowing:** The development would block the sunlight of neighbouring homes and cause shadowing. One respondent questioned why there is no winter solstice study included.
- **Privacy:** The proposal would result in a lack of privacy in neighbouring residents' yard.
- **Precedence:** The development would set precedence for similar projects in the neighbourhood.

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

General comments of support:

- The landscaping and terracing is appropriate and transitions well to the single dwelling homes.
- The courtyard and public realm improvements are well received.
- Appreciate the number of proposed family units within the development.
- The project would help local businesses.
- Appreciate that the open house is virtual so full time parents with young families could take part without having to attend an in-person open house.
- The location is appropriate because it is situated by the Arbutus Greenway and public transit.
- The proposed children's area and gathering spots would enhance the development.

General comments of concern:

- The neighbourhood needs more family units, rather than studio units.
- Residents would cause noise, especially from the rooftop amenity space. The construction noise would be a negative impact as well.
- The views of the mountains and trees would be blocked.

- The *Affordable Housing Choices Interim Rezoning Policy* is not appropriate for the area.
- The existing townhouses and single dwelling homes are sufficient as rental homes to meet the needs of tenants.
- The parking access is well located and minimizes vehicle impacts.
- The proposed building setback is not adequate.
- There is a lack of outdoor amenity space as part of the development.
- The location of the project would not be situated near public transit.
- There is not enough landscaping.
- Walkability would be negatively impacted by the development.
- This project is not necessary as the Empty Homes Tax returned previously vacant or short term rentals back onto the rental market.
- Wood frame building would be a fire hazard.
- The construction cost would be too high in this area of the city, resulting in a secured rental development that would not be truly affordable.

Neutral comments/suggestions/recommendations:

- Consider more designated below market units as part of the proposal.
- The rear lane of the project should include traffic calming measures to allow for better socializing areas.
- The development should consider mass timber construction.
- The City needs to approve high density developments more rapidly.
- Prefer if the development was on a larger area rather than a site specific rezoning.
- Overall support for building setback but the east side setback is not necessary due to the width of Arbutus Street.
- Question why the project enquiry date is not posted publicly on Shape Your City webpage.

Summary of Public Engagement by the Developer and Applicant

The applicant submitted the following summary of community and stakeholder engagement conducted by the developer team. Staff were not involved in these initiatives but the applicant has provided the comments received to staff for review and assessment.

DATE	DESCRIPTION
February 26, 2020	Pre-application Meeting with the director of Arbutus Ridge/ Kerrisdale/ Shaughnessy (ARKS) City Plan Vision Implementation.
Week of March 9, 2020	Official letter sent to existing tenants. This letter (re)introduced PCI as the new owners of the site and invited tenants to meet the team to discuss future redevelopment intentions, timelines for demolition, and questions.
March 16, 2020	Approximately 16 pre-application letters submitted to households in an approximate two-block radius providing a summary of the proposal and offering a meeting. City staff provided with a list of households which were sent letters.
April 30, 2020	Rezoning application submission. PCI voluntary launch of project website (not the City website).
May 15, 2020 Onwards	Community outreach: the following were invited by PCI to provide comments: <ul style="list-style-type: none"> • Immediate residential neighbours • Nearby retailers • ARKS Vision Committee • Arbutus Ridge Concerned Citizens (ARCA) • The Kitsilano Neighbourhood House • The West Side Family Place • Arbutus Long Term Care Home • Trafalgar Elementary School • Prince of Wales Secondary School • UBC Student Society • UBC Student Housing • Abundant Housing Vancouver • Hellenic Community of Vancouver • Better Environmentally Sound Transportation • Kitsilano Community Centre • Individual stakeholders as identified through the consultation process.
June 2, 2020 to December 15,2020	Three virtual meetings with neighbours.

3609 - 3687 Arbutus Street
FORM OF DEVELOPMENT

Site Diagram



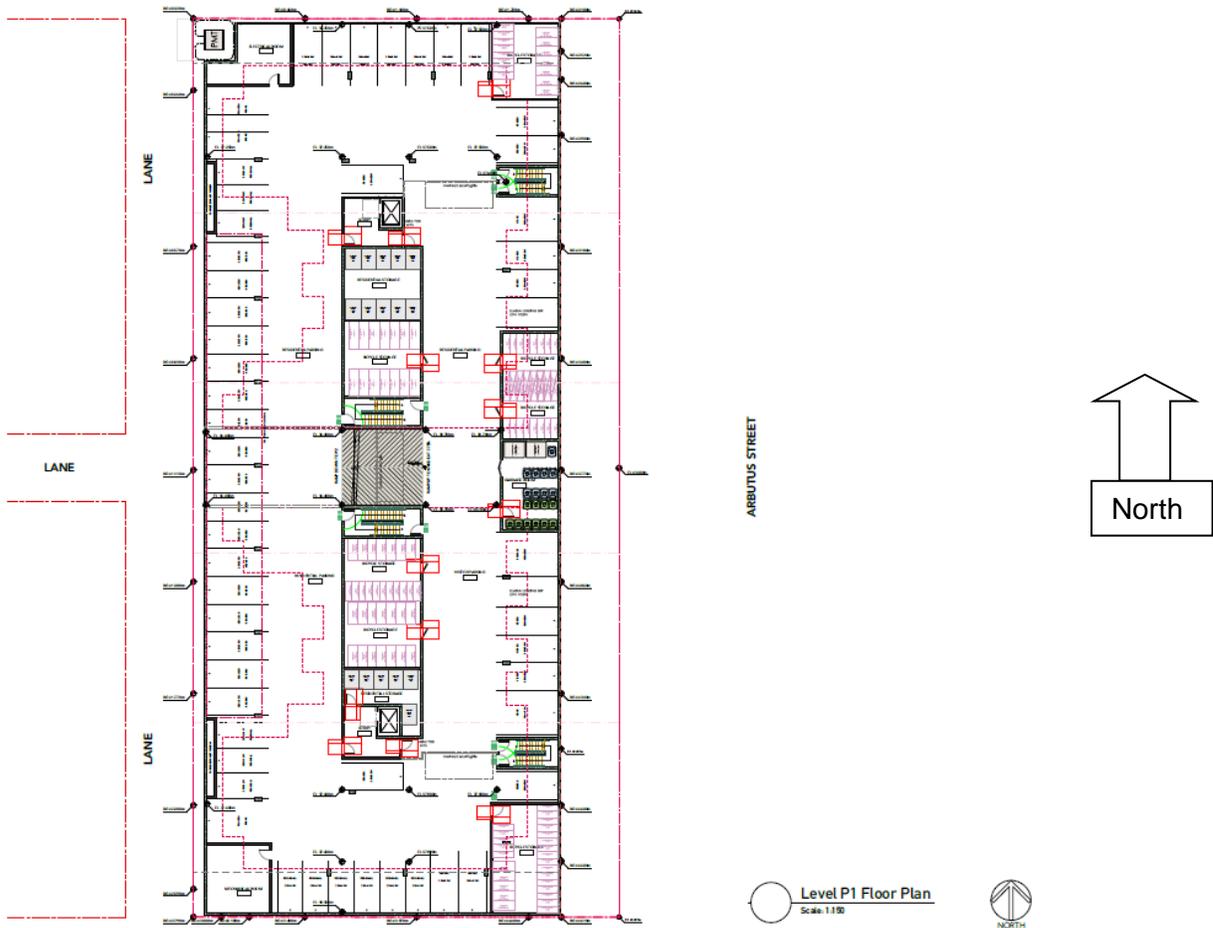
Perspective Street View: From Arbutus Street Looking West



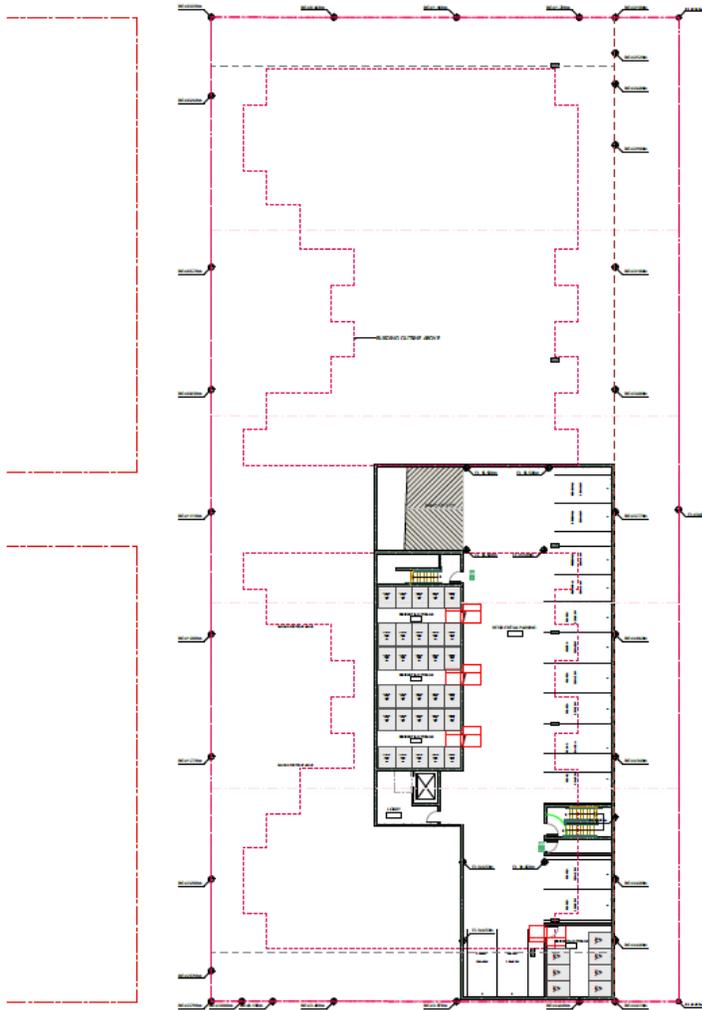
Perspective Street View: Looking North from West 21st Avenue



P1 - Parking Level Plan



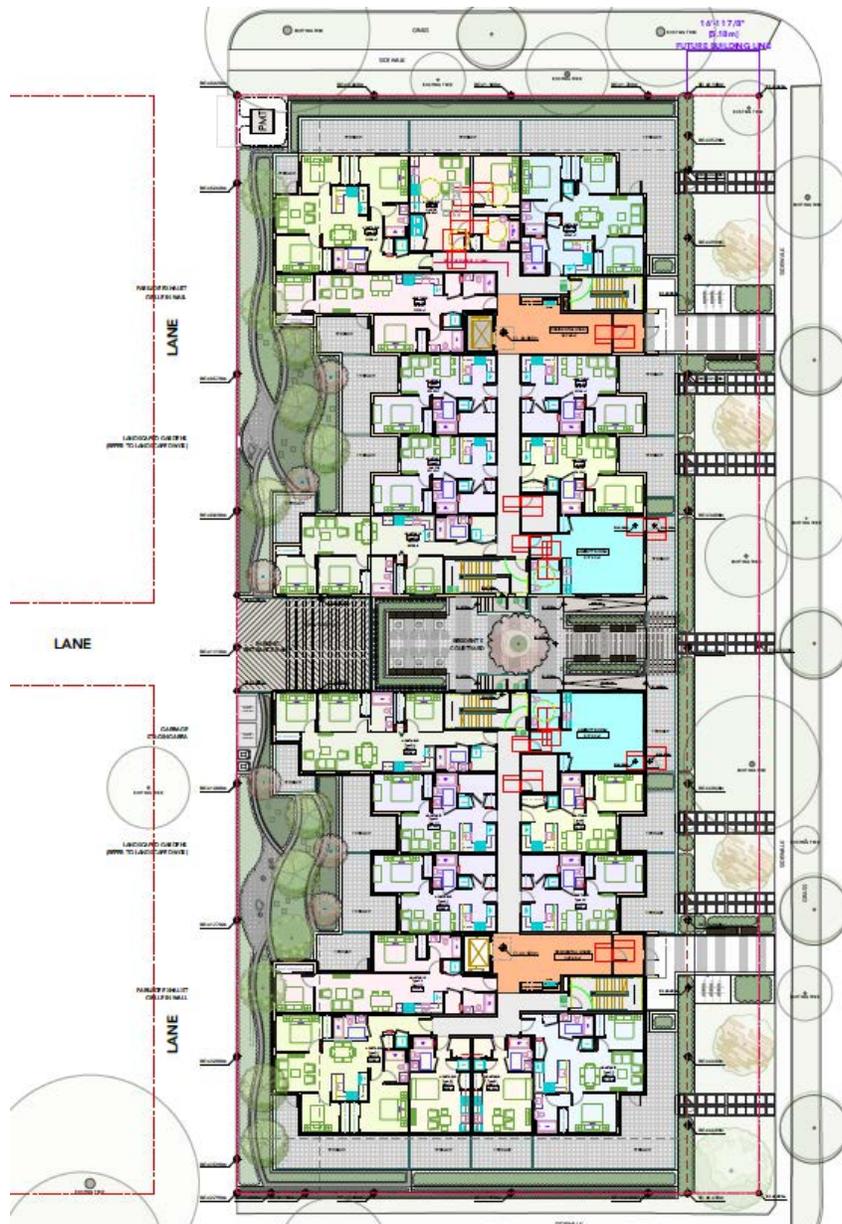
P2 – Parking Level Plan



Level P2 Floor Plan
Scale: 1:150



Main Floor Plan

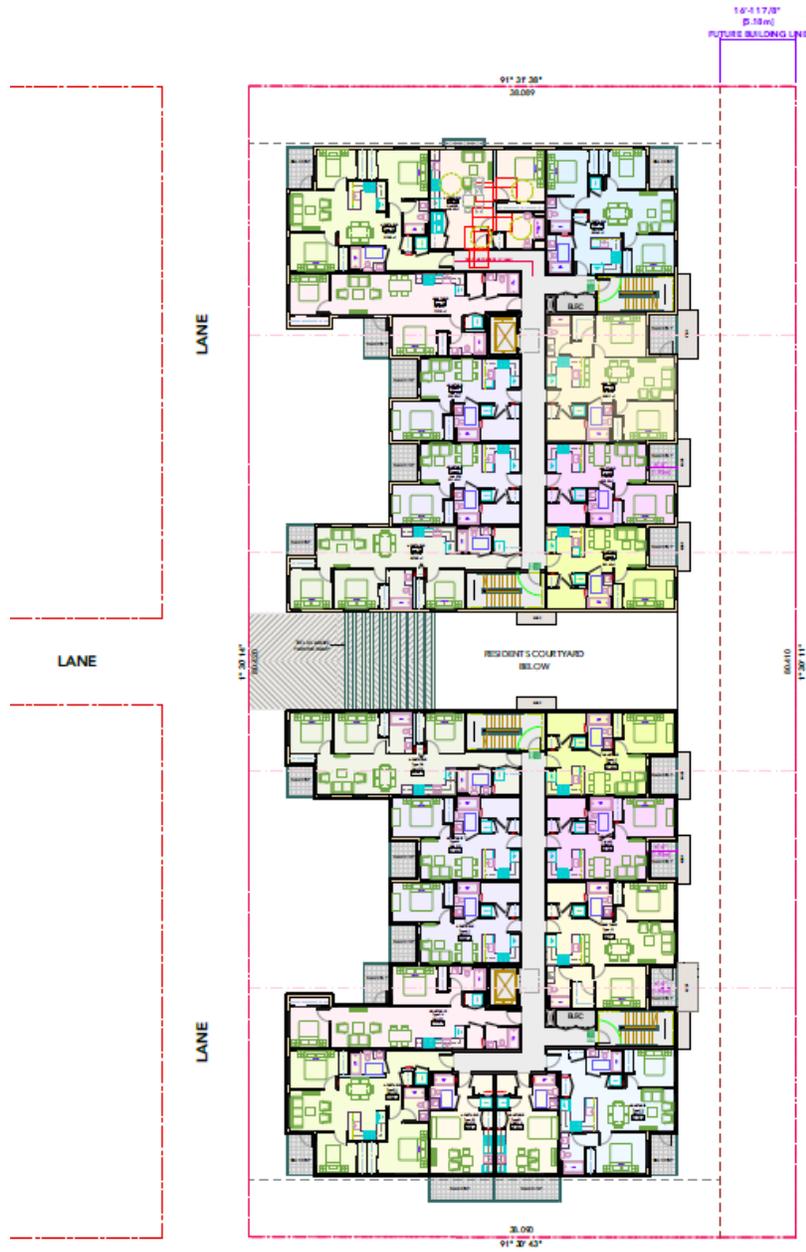


ARBUTUS STREET

Level 1 Floor Plan
Scale: 1/8"



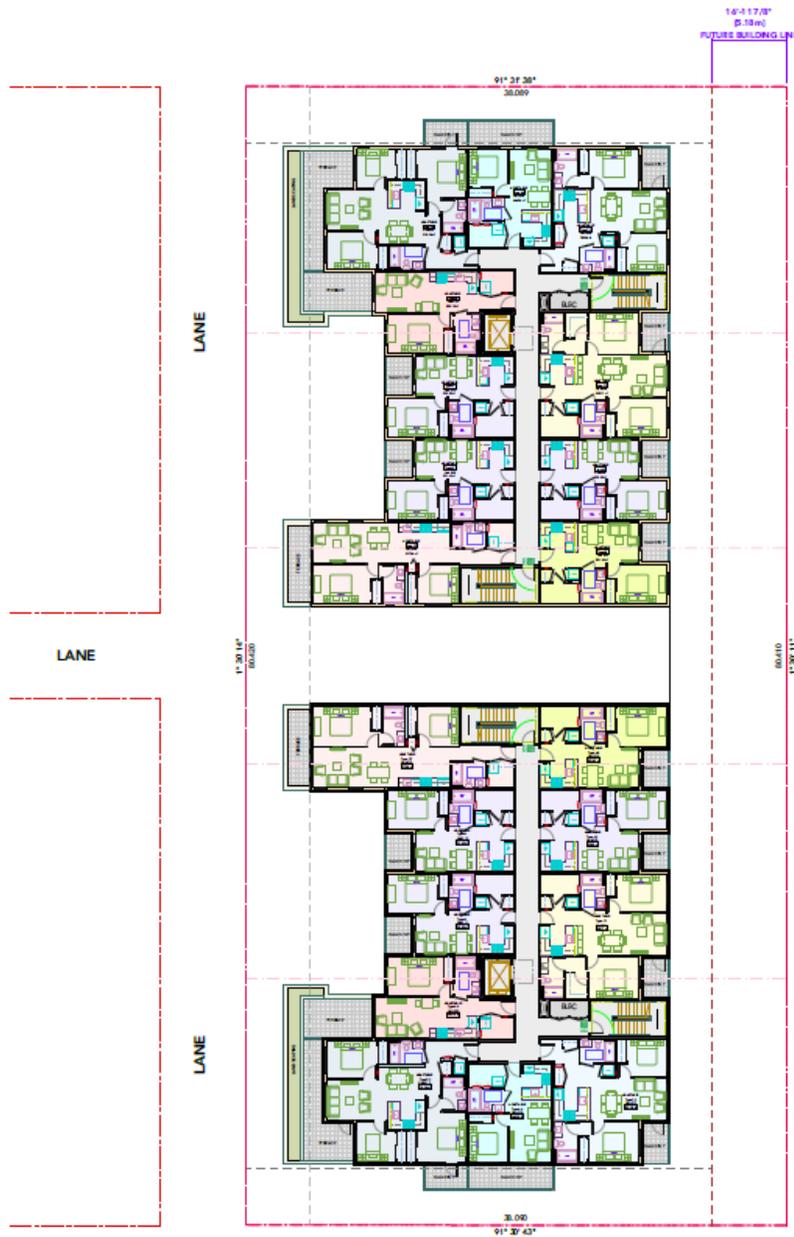
Second Floor Plan



Level 2 Floor Plan
Scale: 1/16"



Third and Fourth Floor Plan



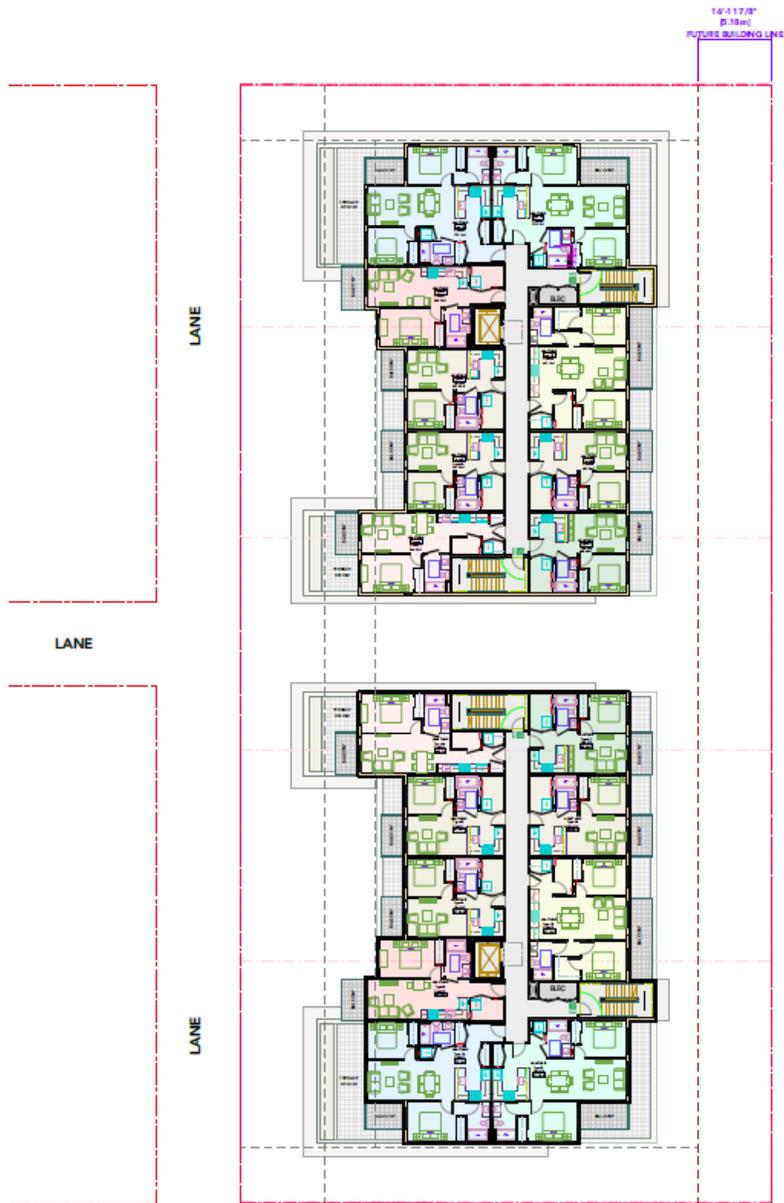
Level 3 Floor Plan
Scale: 1/8" = 1'-0"



Fifth Floor Plan



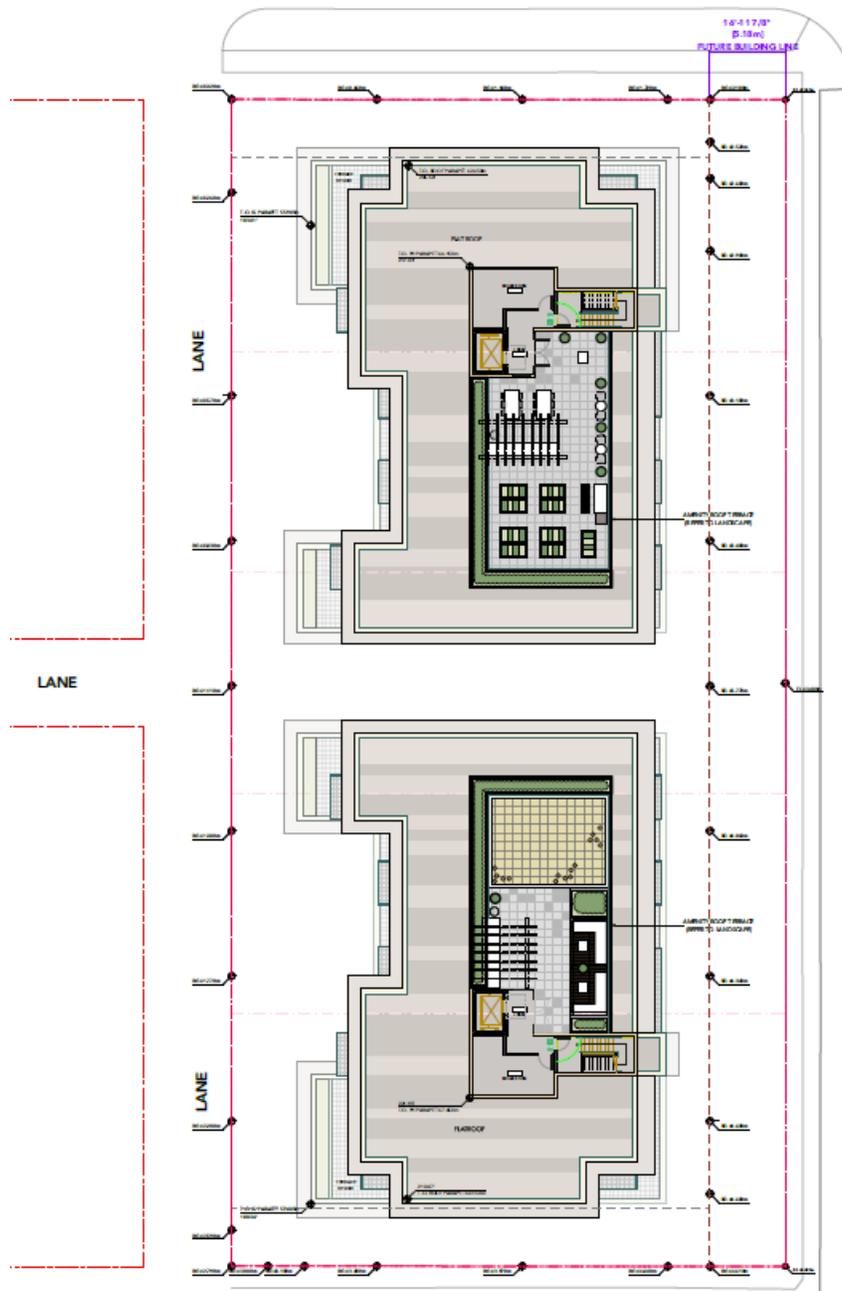
Sixth Floor Plan



Level 6 Floor Plan
Scale: 1/8" = 1'-0"



Roof Level Plan



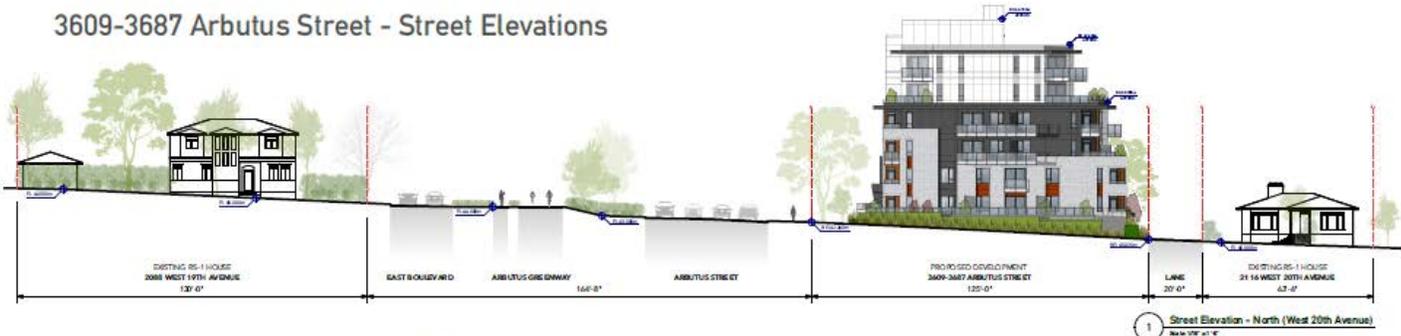
Level 7 (Roof) Floor Plan
Scale: 1/8" = 1'-0"
NORTH

Elevations: West Elevation (top) and North Elevation (bottom)



Context Elevations

3609-3687 Arbutus Street - Street Elevations



Massing Study

3609-3687 Arbutus Street - 3D Massing Studies



Landscape Plan



LANDSCAPE LEGEND

	HYDROPONIC SCALE		BENCH
	CONCRETE UNIT PAVING		BIKE RACK
	CONCRETE STIPPLED BLUE		PLANTER POT
	LAWN		DECORATIVE ROCK WITH BOLLDER
	GRASS PLANTING		PLANTING GRID

Precedent Images



PLANT SCHEDULE

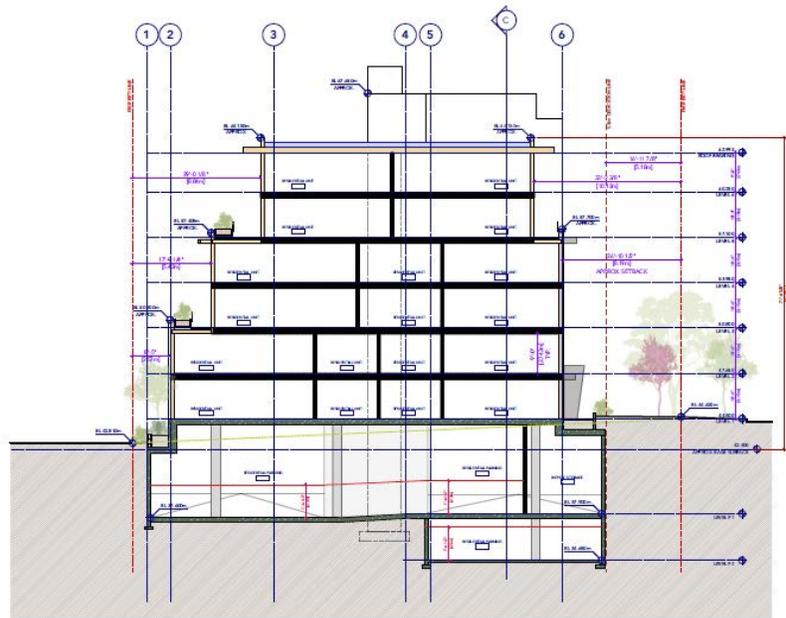
SYMBOL	BOTANICAL / COMMON NAME	CONT.	CAL.	QTY
	Acer davidii / David's Maple	600	5m	1
	Acer japonicum / Bloodgood Japanese Maple	600	5m	8
	Acer rubrum / Red Maple	600	5m	4
	Quercus laevis / Swamp Oak / Pyramidal Oak / Northern	600	5m	4
	Magnolia stellata / Star Magnolia / Magnolia	600	5m	8
	Quercus laevis / Swamp Oak	600	7m	1
	STREET TREE / STREET TREE	600		7



Elevations: West Elevation (top) and East Elevation (bottom)



Cross Section – Looking North



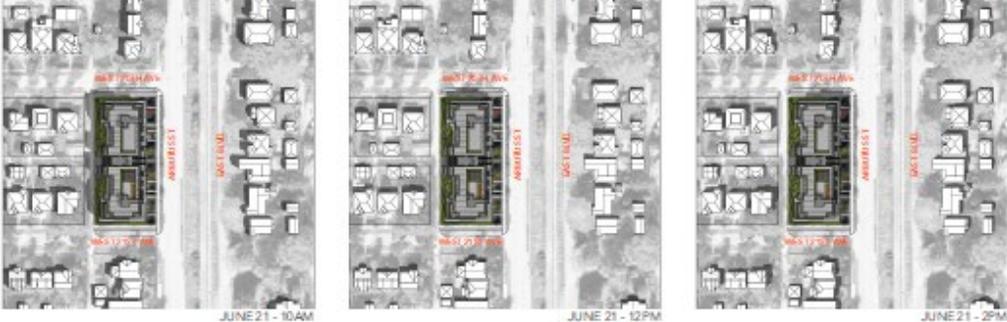
Shadow Study 1

3609-3687 Arbutus Street - Shadow Studies

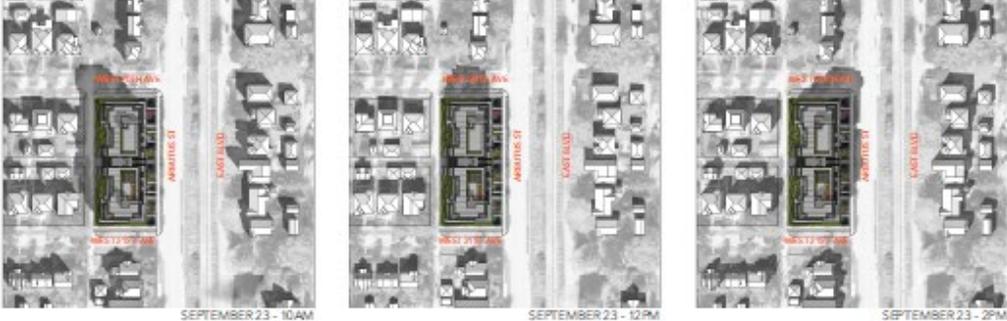
SPRING EQUINOX



SUMMER SOLSTICE



FALL EQUINOX



Shadow Study 2

3609-3687 Arbutus Street
Shadow Studies @ Winter Solstice (December 21st)



Note: Shadow Study 2 was submitted on March 9, 2021 and posted on the Shape Your City website, after having been requested by several residents in the area. It shows winter shadowing for the winter solstice on December 21.

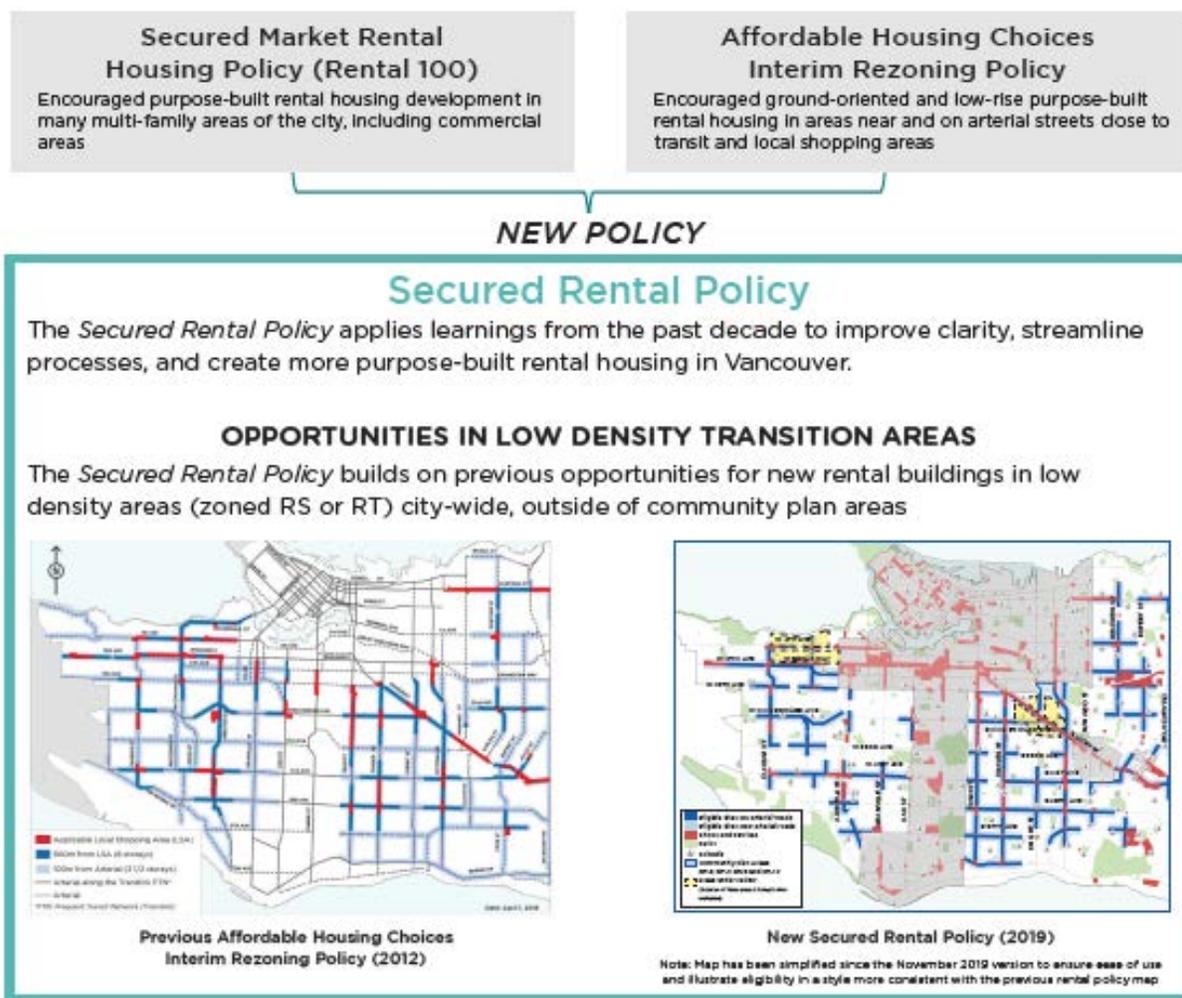
* * * * *

3609 – 3687 Arbutus
ADDITIONAL INFORMATION

Secured Rental Policy

In November 2019, Vancouver City Council approved an amended Secured Rental Policy: Incentives for New Rental Housing, which consolidates previous rental housing programs into a single policy and continues to provide incentives to increase purpose-built rental housing options in the city. The following diagram explains the new policy direction:

Figure A: Secured Rental Policy Map



Policy Improvements

The Secured Rental Policy enhances previous rental incentive policies by:

- Enabling greener buildings with zero emissions heating and hot water systems.
- Allowing reduced parking, including surface parking options.
- Locating new rental housing near daily needs (including transit, schools, parks and shopping) to build on Big Move #1 of the Climate Emergency Response.

Summary of Tenant Relocation Plan Terms

Figure B: Tenant Relocation Plan Details

Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer
Financial Compensation	<ul style="list-style-type: none"> • Compensation in the form of free rent, a lump sum payment, or a combination of both, will be available for each unit eligible for Tenant Relocation Plan according to the following schedule: <ul style="list-style-type: none"> ○ 4 months' rent for tenancies up to 5 years; ○ 5 months' rent for tenancies over 5 years and up to 10 years; ○ 6 months' rent for tenancies over 10 years and up to 20 years; ○ 12 months' rent for tenancies over 20 years and up to 30 years; ○ 18 months' rent for tenancies over 30 years and up to 40 years; and ○ 24 months' rent for tenancies over 40 years
Notice to End Tenancies	<ul style="list-style-type: none"> • Landlord to provide regular project updates to tenants throughout the development approvals process. • A minimum of four months' notice to end tenancy after all permits are issued is required (e.g. all development, building, and demolition permits in place).
Moving Expenses (flat rate or arrangement of an insured moving company)	<ul style="list-style-type: none"> • A flat rate of \$750 or \$1000 will be provided to all eligible tenants based on the type of unit.

<p>Assistance in Finding Alternate Accommodation (3 options)</p>	<ul style="list-style-type: none"> • Applicant has distributed tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver that best meet the tenants' identified priorities.
<p>Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing</p>	<ul style="list-style-type: none"> • The applicant is partnering with a property manager to assist existing tenants with finding alternate accommodation. • For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.
<ul style="list-style-type: none"> • First Right of Refusal • (Where starting rents are anticipated to be higher than what the tenant currently pays, provide a 20% discount off starting rents for any returning tenants) 	<ul style="list-style-type: none"> • The applicant has committed to offering all current tenants who are named on leases, regardless of their TRP eligibility, the right of first refusal at a 20% discount off starting rents in similar units in the new development once completed. Any subsequent rent increases for returning tenants will be in line with the Residential Tenancy Act.

* * * * *

3609 – 3687 Arbutus Street
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 all the proposed dwelling units will not be greater than specified in the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit size	Proposed average unit size
Studio	4	42 sq. m (452 sq. ft.)	32.5 sq. m (350 sq. ft.)
1-bedroom	66	56 sq. m (603 sq. ft.)	47.5 sq. m (511 sq. ft.)
2-bedroom	32	77 sq. m (829 sq. ft.)	72.4 sq. m (780 sq. ft.)
3-bedroom	14	97 sq. m. (1,044 sq. ft.)	83 sq. m (898 sq. ft.)

- (d) The average initial rents for all proposed below-market units do not exceed rents specified in section 3.1A(d) of the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit rent
Studio	1	\$950
1-bedroom	13	\$1,200
2-bedroom	6	\$1,600
3-bedroom	3	\$2,000

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

**3609 – 3687 Arbutus Street
PUBLIC BENEFITS SUMMARY**

Project Summary:

To rezone the site from the RS-1 Zoning District Schedule to CD-1 to allow for a six storey apartment building with 116 secured rental residential dwelling units under the *Affordable Housing Choices Interim Rezoning Policy*.

Public Benefit Summary:

The proposal would provide 116 rental housing units, of which 20% of the floor area will be reserved as below-market units, all secured for the longer of 60 years and the life of the building.

	Current Zoning	Proposed Zoning
Zoning District	RS-1	CD-1
FSR (site area = 3,063 sq. m. (32,970 sq. ft.))	0.70	2.53
Buildable Floor Space (sq. m.)	2,144	7,761 sq. m.
Land Use	Residential	Residential

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL	\$-
City-Wide Utilities DCL ¹	\$836,000
TOTAL²	\$836,000

Other Benefits (non-quantified components):

Approximately 116 dwelling units, of which 20% of the floor area is to be reserved as below-market units, which will be secured for rental housing for the longer of 60 years and the life of the building.

¹ Based on rates in effect as of September 30, 2020; 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.

* * * * *

3609 – 3687 Arbutus Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Property Information

Address	Property Identifier (PID)	Legal Description
3609 Arbutus St	010-172-254	Lot 9 Block 532 District Lot 526 Plan 4998
3629 Arbutus St	011-259-361	Lot 10 Block 532 District Lot 526 Plan 4998
3649 Arbutus St	011-259-388	Lot 11 Block 532 District Lot 526 Plan 4998
3669 Arbutus St	011-259-400	Lot 12 Block 532 District Lot 526 Plan 4998
3687 Arbutus St	011-259-418	Lot 13 Block 532 District Lot 526 Plan 4998

Applicant Information

Applicant/ Owner	PCI Developments / PCI Arbutus Ridge Ventures Holdings Corp.
Architect	BHA Architecture

Development Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	RS-1	CD-1
Site Area*	3,063 sq. m. (32,970 sq. ft.)	3,063 sq. m. (32,970 sq. ft.)
Land Use	Residential	Residential
Maximum FSR (New Development)	0.70 up to 0.86 (with max 0.16 FSR Laneway House)	2.53
Maximum Height	10.7 m (35.10 ft.)	24.7 m (80.8 ft.)
Floor Area	2,144 sq. m. (26,542 sq. ft.)	7,761 sq. m. (83,509 sq. ft.)
Unit Mix	-	Secured Rental One-bedroom / Studio 70 Two-bedroom 32 Three-bedroom 14 <hr/> Total 116
Parking and Bicycle	As per Parking By-law	74 vehicle spaces and 227 bicycle
Natural Assets	16 existing onsite bylaw trees 14 existing City / off-site trees	9 retained and 34 new, on-site tree., 14 existing City/off-site trees retained

* Prior to the building line dedication.