



## REFERRAL REPORT

Report Date: February 21, 2023  
Contact: Yardley McNeill  
Contact No.: 604.873.7582  
RTS No.: 15577  
VanRIMS No.: 08-2000-20  
Meeting Date: March 7, 2023

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: CD-1 Rezoning: 3205 Arbutus Street

### ***RECOMMENDATION TO REFER***

THAT the rezoning application and plans, described below, be referred to Public Hearing together with the recommendations set out below and with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve the application, subject to the conditions set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary zoning by-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

### ***RECOMMENDATION FOR PUBLIC HEARING***

- A. THAT the application by Yamamoto Architecture, on behalf of 1088573 B.C. Ltd.<sup>1</sup>, the registered owner of the lands located at 3205 Arbutus Street [PID 024-760-595; Parcel A Block 484 District Lot 526 Group 1 New Westminster District Plan LMP45736], to rezone the lands from from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 1.20 to 2.56 and the building height from 10.7 m (35 ft.) to 19.2 m (63 ft.), to permit a four storey mixed-use building with 54 secured market rental units and commercial space, be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Yamamoto Architecture received October 27,

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<sup>1</sup> Represented by John D.L. Mackay and Michael D.K. Mackay

2021, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B.

- B. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the new CD-1, generally as set out in Appendix C, be approved.
- C. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C;

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

- D. THAT Recommendations A to C be adopted on the following conditions:
  - (i) THAT the passage of the above resolution creates no legal rights for the applicant or any other person, or obligation on the part of the City, and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
  - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

## **REPORT SUMMARY**

This report evaluates an application to rezone 3205 Arbutus Street to a CD-1 (Comprehensive Development) District to permit a four-storey mixed-use building with 54 secured market rental units and at-grade commercial space, under the *Secured Rental Policy* (SRP).

Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it in principle, subject to the Public Hearing, and conditions contained in Appendix B.

## **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- Vancouver Plan (2022)
- Secured Rental Policy (2012, last amended 2022)
- C-2 District Schedule (1996, last amended 2022)

- Housing Needs Report (2022)
- Housing Vancouver Strategy (2017)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families With Children Guidelines (1992)
- Community Amenity Contributions Policy for Rezoning (1999, amended 2022)
- Latecomer Policy (2021)
- Green Buildings Policy for Rezoning (2010, amended 2022)
- Urban Forest Strategy (2016)

## REPORT

### Background/Context

#### 1. Site and Context

This 1,558.5 sq. m (16,776 sq. ft.) site is located at the southwest corner of 16th Avenue and Arbutus Street in the Arbutus-Ridge neighbourhood (see Figure 1). There is a significant slope of about 4.9 m (16 ft.) from the intersection to the southwest corner of the site.

The site is zoned C-1 (Commercial) District, and developed with an active gas station. Directly to the north on Arbutus Street is a four storey mixed-use building (The Ridge/Loblaws City Market). Lots to the east, south, and west are zoned RS-1 with single detached houses.

Rezoning up to six-storeys for secured rental are permitted to the south, west, and east of the site under the *SRP*, and to the north under the recently approved *Broadway Plan*.

**Figure 1: Surrounding Zoning and Context**



**Neighbourhood Amenities** – The following amenities exist in the area:

- **Parks** – Arbutus Greenway (50 m), Granville Park (900 m), Connaught Park (1.2 km), Angus Park (1.2 km), and Trafalgar Park (1.3 km);
- **Community Spaces** – Kitsilano Community Centre and Kitsilano Rink (1.2 km); and
- **Childcare Facilities** – York House Little School (170 m), West Point Grey Day Care (700m), Montessori Day Care (850 m), Arbutus-Ridge LIFT Early Learning Centre Inc. (1 km), Maple Ranch Childcare Centre (1.1 km).

**Local School Capacity** – The site is located within the catchment area of Trafalgar Elementary School located at 4170 Trafalgar Street and Prince of Wales Secondary School at 2250 Eddington Drive. According to the 2021 Vancouver School Board (VSB)'s Draft Long Range Facilities Plan, by 2031, both Trafalgar Elementary and Prince of Wales Secondary will be operating under capacity, with a utilization rate of 67% and 82% respectively.

The City coordinates with the VSB to inform decision-making and reduce enrolment pressure, recognizing that some schools are full, but there is overall surplus capacity within their system. VSB continues to monitor development and work with the City to help plan for future growth.

## 2. Policy Context

**Vancouver Plan (2022)** – The *Vancouver Plan* was approved by Council on July 22, 2022 and is a land use strategy to guide long-term growth of the City over the next 30 years. The approved *Vancouver Plan* will serve as a framework with further implementation planning work to follow over the next two to four years. The site is located within the *Arbutus Ridge/Kerrisdale/Shaghnessy Community Vision*. Implementation of the *Vancouver Plan* includes a review of all existing land use policies including the Visions, with the goal of expanding opportunities to address city-wide objectives.

**Secured Rental Policy** – On November 26, 2019, Council approved amendments to the *Secured Market Rental Housing Policy* (commonly known as *Rental 100*) and retitled it to *Secured Rental Policy (SRP)*. The *SRP* expands on *Rental 100*, by consolidating rezoning opportunities for secured rental housing previously contained in the *Affordable Housing Choices Interim Rezoning Policy* and introducing new green buildings requirements. Amendments to the *SRP* to facilitate the delivery of secured rental units were adopted by Council on December 14, 2021. The amendments include changes that allow RS and RT zoned sites on arterials that are adjacent to large commercial areas, to rezone to a new rental tenure district schedule.

**Housing Needs Report** – On April 27, 2022, Council resolved at a public meeting to receive a *Housing Needs Report (HNR)* prepared by staff. Further to the BC Provincial government's requirement, Council must consider the most recent *HNR* when developing a development plan, or when amending a development plan in relation to Council's housing policies respecting affordable housing, rental housing and special needs housing. This zoning amendment would facilitate the delivery of secured rental housing including a component of below market rental units and address the data and findings within the *HNR*.

## **Strategic Analysis**

### **1. Proposal**

The proposal is for a four-storey mixed-use building with 54 secured market rental housing units and commercial use at-grade. A height of 19.2 m (63 ft.) is proposed. Vehicle and bicycle parking will be located underground, with access off the rear lane.

The application proposes a density of 2.50 FSR; however, staff recommend a higher density of 2.56 FSR to accommodate a minimum 0.35 FSR of commercial space that fronts both Arbutus Street and 16th Avenue. The minimum recommended commercial floor area is 545.5 sq. m (5,872 sq. ft.), with the total floor area at 3,989.8 sq. m (42,947 sq. ft.). This report is based on the original submission drawings dated October 27, 2021 with recommended changes and their corresponding conditions in Appendix B.

### **2. Land Use**

The site is currently zoned C-1 (Commercial) District. The intent of the C-1 District Schedule is to provide for small-scale commercial nodes catering to the needs of the local area and consisting primarily of retail/services uses. Under C-1 zoning, dwelling uses and their design are to be compatible with commercial uses at grade. This proposal, with residential and commercial land uses, is consistent with the intent of the SRP and C-1 District Schedule. Ground floor commercial is proposed and 100% of the residential space is dedicated to secured rental units.

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

**Form of Development** – The *SRP* allows consideration of a four-storey mixed-use building on C-1 sites, with the form of development generally complying with the C-2 or RR-3A design guidelines. The proposal is a four-storey mixed-use building containing 54 secured market rental units (see figure 2).

**Height** – The proposed height is 19.2 m (63 ft.), with a maximum height of 22.4 m (73 ft.) to allow an indoor rooftop amenity. The proposal provides a generous ceiling height for commercial spaces facing Arbutus Street and as the site slopes down towards the lane, residential units are stacked within the same height and form a 5-storey building facing 16th Avenue. The proposed building steps down to four and then two storey near the lane to provide a transition to existing and future buildings.

**Density** – The proposed density is 2.50 FSR, however to accommodate a minimum of 0.35 FSR commercial area staff have recommended increasing the FSR to 2.56 and relocating residential floor area to the fourth floor. The additional commercial floor area will enhance the commercial node and improve access to services for the neighborhood's residents. See proposed and recommended drawings in Appendix E.

**Figure 2. Southwest view of development from intersection of Arbutus Street and 16th Avenue**

**Public Realm Interface/Neighbourliness** – A tree on the city boulevard at the northeast of the site is to be retained by recessing the building at the corner. A setback of 3 m (10 ft.) from the south property line is proposed to provide a separation from existing adjacent low-density buildings. The rear yard also has a generous setback from the lane and due to the steep slope, a berm is proposed to enhance the lane interface. A proposed recess in the building breaks up the façade facing Arbutus Street. Staff recommend further development of the proposed recesses on the ground floor to enhance the public realm interface along Arbutus Street, as well as enhance the usability of the rear yard through terraced landscaping to improve pedestrian interest.

**Liveability** – Staff seek further development of the units facing the south side yard to enhance their livability and ensure all the units meet the horizontal angle of daylight requirements.

**Urban Design Panel** – Due to the modest scale of the proposal, a review by the urban design panel was not required.

Staff have reviewed and assessed the density, height, and form of development on the site and have concluded the proposal is an appropriate response to the site and its context, subject to the design development conditions in Appendix B.

#### **4. Housing**

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add 54 rental units to the city's rental housing stock.

**Figure 3: Progress Towards 10-Year Housing Vancouver Targets for Purpose-Built Market Rental Housing as of September 30, 2022.**

Housing Type	10-Year Targets	Units Approved Towards Targets
Purpose-Built Market Rental Housing Units	20,000	11, 290 (71%)

1. Tracking progress towards 10-year targets began in 2017.

2. Unit numbers exclude the units in this proposal.

3. Includes Developer-Owned Below-Market Rental Housing.

**Vacancy Rates** – Vancouver has exhibited historically low vacancy rates during the last 30 years. In 2021, the purpose-built apartment vacancy rate was 1.1% in Vancouver (based on Canadian Mortgage and Housing Corporation Market Rental Survey). The vacancy rate for Westside/Kerrisdale Vancouver, for which the site is located, was 0.6% in 2021. A vacancy rate between 3% and 5% represents a balanced market.

**Average Rents and Income Thresholds** – Average market rents in newer rental buildings on the Westside are shown in the middle two columns in Figure 4. The market rental housing will provide options, which are significantly more affordable than average home ownership costs.

**Figure 4: Market Rents in Newer Westside Buildings, Costs of Ownership and Household Income Served**

		Newer Rental Buildings Westside		Monthly Costs of Ownership for Median-Priced Apartment – Westside (with 20% down payment)		
Unit Type	Average Unit Size (Sq. ft.)	Average Market Rent <sup>1</sup>	Annual Income Required for Average Market Rent <sup>2</sup>	Monthly Costs of Ownership <sup>3</sup>	Annual Income Required for Monthly Costs <sup>3</sup>	20% Down-Payment
Studio	445	\$1,561	\$62,440	\$2,837	\$113,480	\$106,000
1-bed	579	\$2,073	\$82,920	\$3,473	\$138,920	\$132,000
2-bed	781	\$2,997	\$119,880	\$5,193	\$207,720	\$198,400
3-bed	868	\$3,785	\$151,400	\$7,982	\$319,280	\$311,890

<sup>1</sup> Data from the October 2021 CMHC Rental Market Survey for apartments in purpose-built rental buildings completed in the year 2011 or later on the Westside of Vancouver.

<sup>2</sup> For studio, 1-, 2-, and 3-bedroom units, the maximum DCL rents are the average rents for all apartments in purpose-built rental buildings built since the year 2005 in the City of Vancouver as published by CMHC in the fall 2021 Rental Market Survey, plus 10%.

<sup>3</sup>Based on the following assumptions: median of all BC Assessment apartment sales prices in Vancouver Westside in 2021 by unit type, 20% 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 (2020 assessments and property tax rate).

**Housing Mix** – The *Family Room: Housing Mix Policy for Rezoning Projects* policy requires a minimum of 35% family units. Relocating residential floor area to the fourth floor, to accommodate expanded commercial on the ground floor, is expected to replace a studio and a one-bedroom unit with 2 two-bedroom units, for a total of 39% family units, therefore exceeding the required 35% family unit mix. Units must be designed in accordance with the *High Density Housing for Families with Children Guidelines*. The application as proposed is consistent with the policy and a provision is included in the CD-1 By-law to meet the minimum unit mix requirements.

**Security of Tenure** – Purpose-built rental housing offers secure rental tenure. All 54 rental units will be secured as market rental through a Housing Agreement and 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 and/or separate sale of individual units.

**Existing Tenants** – There are no existing tenants.

## 5. Transportation and Parking

Arbutus Street is part of TransLink's Frequent Transit Network (FTN), with regular bus service, and the Arbutus Greenway is across the street to the east. Two levels of underground parking will be accessed from the lane. The application proposes 47 vehicle parking spaces, 91 Class A bicycle spaces and three loading spaces. Parking and loading are to meet the Parking By-law.

Engineering conditions related to transportation, public realm and parking are included in Appendix B and seek to improve the pedestrian experience. New sidewalks and boulevards with street trees on Arbutus Street and 16th Avenue, a reconstructed laneway and new lane crossings are required. Upgraded street lighting and parking regulatory signage adjacent to the site are required.

## 6. Environmental Sustainability and Natural Assets

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

This application has opted to satisfy the *Green Buildings Policy for Rezoning*s under the low emissions green buildings requirements. The low emissions green buildings pathway represents City priority outcomes, establishing limits on heat loss, energy use, and greenhouse gases, and drawing on industry best practices to create more efficient, healthy and comfortable homes and workplaces. The applicant has submitted preliminary energy modeling analysis detailing building performance strategies to meet the energy use intensity, greenhouse gas and thermal demand targets.

**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. The *Protection of Trees By-law* aims to maintain a healthy urban forest by requiring permission be sought 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.

There are seven on-site trees. One tree is proposed for retention at the northeast corner of the site, and six trees are proposed to be removed due to their poor condition and their location within the proposed building envelope. There are two street trees on City lands adjoining the site, and protection of these street trees during construction is required. New street trees are proposed on both Arbutus Street and 16th Avenue boulevards, to be confirmed at the time of development permit.

See Appendix B for landscape and tree conditions.



## 7. Public Input

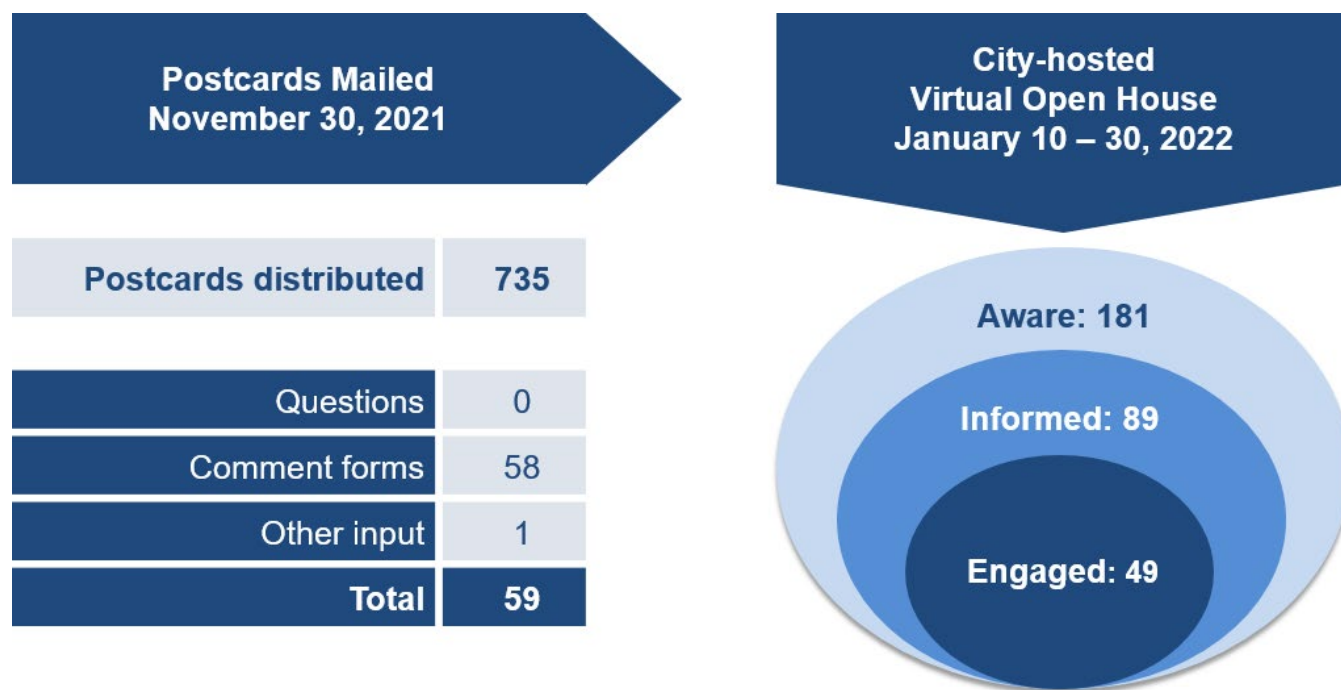
**Public Notification** – A rezoning information sign was installed on the site on November 30, 2021. Approximately 735 notification postcards were distributed within the neighbouring area on or about January 6, 2022. Notification, application information, and an online comment form was provided on the City's *Shape Your City Vancouver* ([shapeyourcity.ca/](https://shapeyourcity.ca/)) platform.

**Virtual Open House** – A virtual open house was held from January 10th, 2022 to January 30th, 2022 on the Shape Your City platform. 181 people visited the website to review the application. The 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 and a digital model were posted for online viewing.

A 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 via online questions, comment forms, by email and phone. A total of 59 submissions were received.

**Figure 5: Overview of Notification and Engagement**



Below is a summary of feedback received from the public by topic.

Generally, comments of support fell within the following areas:

- **Building height, massing, density and context:** The proposed height and density is appropriate given the proximity to a future Broadway transit station. The height could be increased given its location.

- **Rental housing:** The need for rental housing is appreciated in this neighbourhood. The proposal was perceived as a good use of an underutilized site. In addition, a greater amount of rental housing units would be appreciated.
- **Building design:** The proposed design is suitable for Arbutus Street and contains high quality urban design aesthetics.
- **Commercial retail space:** There was appreciation for the commercial retail spaces at grade, which will improve the public realm for pedestrians.
- **Transportation Connectivity:** The building is located in proximity to Broadway subway station under construction and the Arbutus Greenway. The housing could be suitable for students attending and traveling to UBC.

Generally, comments of concern fell within the following areas:

- **Parking reduction:** Proposal should have a reduction in parking supply given its proximity to a future Broadway transit station.
- **Traffic safety and congestion:** The intersection is congested and noisy, and vehicles travel quickly, creating an unsafe experience.

**Response to Public Comments** – The applicant can reduce parking through transportation demand management measures. Engineering staff have confirmed that traffic changes associated with this project would be consistent with development occurring over time in the area. However, provisions to improve sidewalks and lighting have been included in Appendix B.

## 8. Public Benefits

**Community Amenity Contribution (CAC)** – The *Community Amenity Contributions Policy for Rezoning*s provides an exemption from CACs for routine, lower density secured market rental housing rezoning applications that comply with the City's rental policies. As this site is currently zoned C-1 and proposes to rezone to four stories, the application is eligible for this CAC exemption.

**Development Cost Levies (DCLs)** – This site is currently subject to both City-wide and Utilities DCLs. DCLs are payable at building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage.

The applicant has stated that they are not seeking the DCL waiver for for-profit affordable rental housing. If the applicant was seeking the waiver, the proposed rents should be included as a condition of enactment of the CD-1 By-law. The rents are not stipulated because the applicant is not seeking the waiver. Should the applicant seek the DCL waiver at building permit issuance, this change will be brought to Council for its consideration.

Based on the rates in effect as of September 30, 2022 and the proposed 3,444.3 sq. m (37,075 sq. ft.) residential and 545.5 sq. m (5,872 sq. ft.) commercial floor area, it is estimated that the project will pay \$1,328,344 of DCLs.

**Public Art Program** – The proposed floor area is below the 9,290 sq. m (100,000 sq. ft.)

minimum threshold, and as such, no public art contribution is required from this application.

**Other Benefits** – The secured market rental housing in this proposed development will contribute to the City's secured rental housing stock.

A summary of public benefits associated with this application is included in Appendix F.

### ***Financial Implications***

As noted in the Public Benefits section this project is expected to provide secured rental housing and a DCL contribution. See Appendix F for additional details.

### ***CONCLUSION***

Staff conclude that the proposed land use, density, housing affordability, form of development and public benefits are consistent with the intent of the *Secured Rental Policy*. The proposal would add 54 new secured market rental units towards the City's housing needs.

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

\* \* \* \* \*

**3205 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 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.]*

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 (\_\_\_).
3. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this by-law or in a development permit, the only uses permitted within this CD-1 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
  - (a) Cultural and Recreational Uses;
  - (b) Dwelling Uses, limited to Mixed-Use Residential Building;
  - (c) Institutional Uses;
  - (d) Live-Work Use;
  - (e) Office Uses;
  - (f) Retail Uses;
  - (g) Service Uses; and
  - (h) Accessory Uses customarily ancillary to the uses permitted in this section.

**Conditions of Use**

- 4.1 The design and layout of at least 35% of the total number of dwelling units must:
  - (a) be suitable for family housing; and
  - (b) have 2 or more bedrooms.

- 4.2 No portion of the first storey of a building, to a depth of 10.7 m from the front wall of the building facing Arbutus Street and extending across its full width, may be used for residential purposes except for entrances to the residential portion.
- 4.3 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building, other than the following:
- (a) display of flowers, plants, fruits and vegetables in combination with a permitted use;
  - (b) farmers' market;
  - (c) neighbourhood public house;
  - (d) public bike share; and
  - (e) restaurant,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this by-law.

### **Floor Area and Density**

- 5.1 Computation of floor area must assume that the site area is 1,558.5 m<sup>2</sup>, being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.
- 5.2 The maximum floor space ratio for all uses combined is 2.56, except that the floor space ratio for non-dwelling uses must be at least 0.35.
- 5.3 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.
- 5.4 Computation of floor 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, provided that:
    - (i) the total area of these exclusions must not exceed 12% of the permitted floor area, and
    - (ii) the balconies must not be enclosed for the life of the building;
  - (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
  - (c) floors or portions thereof that are used for:

- (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,
    - (ii) bicycle storage, and
    - (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;
  - (d) entries, porches and verandahs if the Director of Planning first approves the design;
  - (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit; and
  - (f) all storage area below base surface for non-dwelling uses.
- 5.5 The Director of Planning or Development Permit Board may exclude common amenity areas from the computation of floor area, to a maximum of 10% of the total permitted floor area, if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.

### **Building Height**

- 6.1 Building height must not exceed 19.2 m.
- 6.2 Despite section 6.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space or mechanical appurtenances including elevator overrun and rooftop access structures, the height of the portions of the building with the permitted common rooftop amenity space, mechanical appurtenances or rooftop access structures must not exceed 22.4 m.

### **Horizontal Angle of Daylight**

- 7.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 7.2 For the purposes of section 7.1 above, habitable room means any room except a bathroom or a kitchen.
- 7.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 7.4 The plane or planes referred to in section 7.3 above must be measured horizontally from the centre of the bottom of each window.
- 7.5 An obstruction referred to in section 7.3 above means:

- (a) any part of the same building excluding permitted projections; or
  - (b) the largest building permitted on any adjoining site.
- 7.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if:
- (a) the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines; and
  - (b) the minimum distance of unobstructed view is at least 3.7 m.

\* \* \* \* \*

**3205 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 Yamamoto Architecture received October 7, 2021, 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**

- 1.1 Design development to increase the non-dwelling FSR on the site to a minimum of 0.35.

Note to Applicant: This can be achieved by extending the non-dwelling areas to the north to face West 16th Avenue. The rear setback, west setback from the lane, for non-dwelling spaces can be reduced to 5 ft. To achieve the same residential FSR, the rear setback for residential spaces may be reduced to 15 ft. and upper floor setback on the fourth floor may be reduced to achieve a boxy form.

- 1.2 Design development to improve the public realm interfaces as follows:

- (a) Provide a small corner plaza at the northeast of the site and pocket plazas facing Arbutus Street in lieu of larger yard setbacks; and

Note to Applicant: The recessed spaces in the corner and along Arbutus Street including the front portion of the south side yard present opportunities to enhance pedestrian interests and enhance compatibility with future context.

- (b) Improve the lane interface by enhancing the usability and functionality of the rear yard.

Note to Applicant: This can be achieved by reducing the extent of the proposed berm facing the lane and using landscape terracing with sitting spaces for pedestrian comfort and social interaction.

- 1.3 Design development to improve the livability of the units by the following:

- (a) Delete the south middle units facing the side yard;



Note to Applicant: South units may be changed to three bedrooms units with living rooms facing the street or the lane.

- (b) Ensure the south units meet the horizontal angle of daylight requirements; and

Note to Applicant: The south side yard is reduced from 12 ft. to 10 ft. The parcels to the south of the site can be developed as a mixed-use building with zero side yard.

- (c) Consider providing a minimum of 12 ft. depth, from interior to interior, for the living rooms of the proposed units.

1.4 Design development to enhance the animation of the elevations as follows:

- (a) Provide a prominent residential entry; and

Note to Applicant: This can be achieved through entry details such as doors, canopy, materiality, color palette of materials, and landscape elements.

- (b) Consideration to enliven the façades by providing a varied color palette for the materials.

1.5 Provision of elevation drawings illustrating the rooftop amenity and mechanical penthouse, which includes materials.

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

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

## Landscape

1.7 Design development to the Arbutus Street public realm interface by the addition of more substantial planting in the Dedication area, while still in keeping with Engineering Guidelines.

Note to Applicant: Planting of more substantial, woody evergreen shrubs reaching maximum of 3 ft. height would be supported.

1.8 Design development to further enhance the outdoor amenity rooftop space by the following:

- (a) Providing additional planting to balance hard vs soft materials, including some small trees and shrubs;
- (b) Providing an improved, direct visual connection between indoor Amenity room and outdoor Children's play area;

- 1.9 Design development to improve the sustainability strategy, by the following:
- (a) Consider providing intensive and/or extensive green roofs on all available flat roofs;
  - (b) Add substantially more landscape around all entry areas, to accent and soften them;
  - (c) Add vines to any blank wall facades, ensuring the vine support is sturdy and low maintenance (avoid high maintenance modular “green wall” systems);
  - (d) Add planters with overarching shrubs to common upper level decks, to be visually accessible from below, softening the edges and consisting of woody evergreen plant material for year-round presence; and
  - (e) Add edible plants, which can be used as ornamentals as part of the landscape design, in addition to urban agriculture plots.
- 1.10 Design development to ensure the intended landscape design is carried into the future by adequate maintenance, as follows:
- (a) Provide common maintenance access to all planted common areas; and
  - (b) Provide a high efficiency irrigation system for all planted areas.
- 1.11 Design development to explore the retention of additional existing trees in good condition, such as the three Liquidambar trees along the south edge of the site.
- 1.12 Design development to the Integrated Rainwater Management Strategy to explore opportunities for onsite rain water infiltration and soil absorption, as follows:
- (a) Maximize natural landscape best management practises;
  - (b) Minimize the necessity for hidden mechanical water storage;
  - (c) Increase the amount of planting to the rooftop areas, where possible;
  - (d) Consider linear infiltration bio-swales along property lines, at lower site areas;
  - (e) Use permeable paving;
  - (f) Employ treatment chain systems (gravity fed, wherever possible); and
  - (g) Use grading methods to direct water to soil and storage areas.

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

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

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

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

- 1.14 Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

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

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

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

- 1.16 Provision of a Tree Management Plan as part of the arborist report, in coordination with Landscape Tree Management Plan;

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters.

- 1.17 Provision of an arborist "letter of undertaking" to include signatures by the owner, contractor and arborist;

Note to Applicant: the signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

- 1.18 Coordination for the provision of any new street trees and any proposed City owned tree removals adjacent to the development site with Engineering and the Park Board;

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

- 1.19 Provision of an outdoor Lighting Plan.

### **Sustainability**

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

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

### **Engineering**

- 1.21 The Broadway Subway construction has begun with an anticipated completion date by 2026. During construction, street use (above and below grade) along Broadway, 2nd Avenue/Great Northern Way and intercepting north-south streets (e.g. Arbutus Street) will be highly restricted in order to facilitate Broadway Subway construction and maintaining movement along the corridor. As such, we are providing advance notice to any future development to bare this in mind during planning for any construction activities within the area.
- 1.22 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.
- 1.23 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.

- 1.24 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal 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.
- 1.25 Developer's Engineer to submit a sewer abandonment plan to the City that details the following:
- (a) The abandonment or removal of all existing storm, sanitary, and combined connections to the development site; and
  - (b) The abandonment or removal of all existing storm, sanitary, and combined sewer mains that are no longer in use due to the development of the site.
- Note to Applicant: The abandonment plan is required to be reviewed and accepted by the City Engineer prior to issuance of the Sewer Permit.
- 1.26 Confirmation that gates/doors are not to swing more than 0.3 m (1.0 ft.) over the property lines or into the SRW area.
- 1.27 Provision of a landscape and site plan that reflect the improvements to be provided as part of the Services Agreement.
- 1.28 Provision of a Shared Use Loading Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the Class B loading space between the commercial and residential uses and labelling of the space as 'Residential and Commercial Loading'.
- 1.29 Design development to improve access and design of loading spaces and demonstrate compliance with the Parking and Loading Design Supplement by performing the following:
- (a) Provision of convenient, internal, stair-free loading access to/from all site uses;
  - (b) Provision of a clear unloading area or raised rear dock, minimum 1.8 m (5.9 ft.) wide, with suitable access to facilitate goods loading /unloading; and
  - (c) Confirmation that the slope of the loading bay does not exceed 5%.
- 1.30 Design development to improve the parkade layout and access design and demonstrate compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services:
- (a) Confirmation that the drive aisle gates are minimum 6.1 m (20 ft.) wide;

- (b) Provision of top of surface hatching in front of the door at small car parking spaces “01 Residential” and “03 Commercial”; and
  - (c) Provision of minimum 6.1 m (20 ft.) drive/maneuvering aisle width at the top of the P2 circulation ramp, and for maneuvering into spaces “08 residential” on P1 and “37 residential” to “39 residential” on P2.
- 1.31 Provision of the following information as part of the drawing submission at the development permit stage to facilitate a complete Transportation review:
- (a) All types of parking and loading spaces individually numbered and labelled;
  - (b) Dimension of any/all column encroachments into parking stalls;
  - (c) Dimensions of additional setbacks for parking spaces due to columns and walls;
  - (d) Dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates;
  - (e) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates;  
  
Note to Applicant: These clearances must consider mechanical projections and built obstructions.
  - (f) Areas of minimum vertical clearances labelled on parking levels;
  - (g) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances;  
  
Note to Applicant: The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.
  - (h) Indication of the stair-free access route from the Class A bicycle spaces to reach the outside;
  - (i) Dimension aisle widths in bicycle rooms;
  - (j) Provide gridlines on the drawings for reference;
  - (k) Existing street furniture including bus stops, benches etc. to be shown on plans;
  - (l) The location of all poles and guy wires to be shown on the site plan; and
  - (m) Manufacturers design specifications for stacked bicycle racks including dimensions, vertical and aisle clearances.

Note to Applicant: Racks must be usable for all ages and abilities. Stacked bicycle racks typically require additional clearances, additional rack lengths, and additional aisle widths as per the manufacturer’s specifications.

1.32 Provision of a draft final Rainwater Management Plan (RWMP) to be submitted to clearly indicate how the onsite system achieves the following:

(a) General Requirements

- (i) Provision of post-development site plan(s) that includes the following:
  - 1. Building location/footprint;
  - 2. Underground parking extent;
  - 3. Proposed service connections to the municipal sewer system;
  - 4. Location and labels for all proposed rainwater management practices;
  - 5. Area measurements for all the different land use surface types within the site limits; and
  - 6. Delineated catchments to demonstrate best management practices (detention tank(s), green infrastructure, etc.) are appropriately sized.
- (ii) Provide a summary of all catchment areas in a tabular form which includes the required capture and treatment, any direct capture and treatment achieved from adjacent surfaces, and storage capacities for that catchment. Catchments must be shown in a proposed site plan drawing or figure as part of the Final Rainwater Management Plan Report.
- (iii) Provide the landscape plan that supports the use of the landscape area or feature as a rainwater management practice.
- (iv) Ensure best management practice and requirements are adhered to for the design of the proposed rainwater management system which includes drainage by gravity to the receiving system for flow attenuation and overflow purposes.

(b) Volume Reduction

- (i) Provision of design specifics and details of all best management practices (BMP) to support the design claim for meeting target requirements. Coordinate with the landscape architect on the details specific to the landscape portion, such as proposed growing medium depth and grading of hardscapes into adjacent landscaping.
- (ii) Prioritize methods of capture by Tier 1 and 2 with Tier 3 only as a last resort.

Note to Applicant: Additional opportunities may include rainwater harvesting, green roof, infiltration practices and/or absorbent landscaping. Appropriate justifications must be stated for each Tier to determine if exemptions may be granted. Proposed % of rainwater capture to meet the Volume Reduction requirement is unknown.

(c) Water Quality Target

- (i) Provide information on how the water quality requirement will be achieved on this site, as water quality treatment is required for the first 24 mm (~70% annual average rainfall) of all rainfall from the site that is not captured in Tier 1 or Tier 2 practices and 48 mm (~90% annual average rainfall) of treatment is required for high traffic areas. For the DP submission, the following should be included for review for all proprietary devices:

1. Product Name and Manufacturer/Supplier.
2. Total area and % Impervious being treated.
3. Treatment flow rate.
4. Supporting calculations to demonstrate adequate sizing system based on the contributing drainage area.
5. Include discussion of the specified treatment device's % TSS removal efficiency certification by TAPE or ETV.
6. Location of device in drawing or figure in the report.

Note to Applicant: If the majority of the site ( $\geq 60\%$ ) is routed to appropriately sized landscape areas prior to draining to a water quality treatment unit, then a "pretreatment" unit certified by Washington State's TAPE program may be proposed since cumulatively, the site will achieve the required 80% TSS removal by mass through a treatment train approach.

(d) Release Rate

- (i) Update the peak flow calculations to use the 1:10 year return period with a minimum inlet time of 5 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.

Note to Applicant: As of August 17, 2022, the Rainwater Management Bulletin has been updated to clarify the City's review process and detail submission requirements for applicants. In preparing for resubmission at development permit, please review the document and its associated appendix. Additional information can be found at the following link: <https://vancouver.ca/home-property-development/private-realm-rainwater-management.aspx>

Please contact the City of Vancouver's Rainwater Management Review group for any questions or concerns related to the conditions or comments prior to resubmission with the DP application. A meeting may be scheduled upon request by contacting [rainwater@vancouver.ca](mailto:rainwater@vancouver.ca).

- 1.33 Provision of a Rainwater Management Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services registered prior to issuance of a Development Permit.



- 1.34 Provision of a final signed and sealed RWMP, which includes a written report, supporting calculations, computer models and drawings to the satisfaction of the General Manager of Engineering Services prior to the issuance of any building permit.
- 1.35 Provision of a final signed and sealed standalone Operations and Maintenance (O&M) Manual to the satisfaction of the General Manager of Engineering Services prior to the issuance of any building permit.
- 1.36 Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent the lane.
- 1.37 Submission of a Key Plan to the City for review and approval prior to submission of any third party utility drawings is required. The review of third party utility service drawings will not be initiated until the Key Plan is defined and achieves the following objectives:
  - (a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan <https://vancouver.ca/files/cov/engineering-design-manual.PDF>; and
  - (b) All third party service lines to the development is to be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.

Note to Applicant: Use of street for temporary power (e.g., temporary pole, pole mounted transformer or ducting) is to be coordinated with the city well in advanced of construction. Requests will be reviewed on a case by case basis with justification provided substantiating need of street space against other alternatives. If street use for temporary power is not approved, alternate means of providing power will need to be proposed. An electrical permit will be required.

- 1.38 The following statement is to be placed on the landscape plan;

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

Note to Applicant: Existing wood pole in lane may conflict with access. Arrangements to the satisfaction of the General Manager of Engineering Services and the appropriate public utility companies for pole relocation may be required, if the (driveway, loading bay, walkway, etc) cannot be relocated.

Note to Applicant: Remove proposed pavers and other specialized hardscape from City boulevard. Hardscape surface on City boulevard to be standard concrete only.

- 1.39 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>

## Housing

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

- (a) be suitable for family housing;
- (b) include two or more bedrooms;

1.41 The proposed unit mix including 12 studio units (22%), 23 one-bedroom units (44%), 17 two-bedroom units (31%) and 2 three-bedroom units (4%) is to be included in the development permit drawings.

Note to Applicant: The provision of additional three-bedrooms units is encouraged due to a limited supply of three bedroom units suitable for larger families and households in the city.

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

1.42 The development is encouraged to apply the High-Density Housing for Families with Children Guidelines, and include the provision of:

- (a) An outdoor amenity area to include areas suitable for a range of children's play activities and urban agriculture, ranging in size from 130 sq. m (1,399 sq. ft.) to 280 sq. m (3,014 sq. ft.) and situated to maximize sunlight access (S. 3.3.2 and S. 3.4.3);

Note to Applicant: Design development to include some garden plots, tool shed and hose bibs according to the Urban Agriculture Guidelines

- (b) A minimum of 2.3 sq. m. (24.7 sq. ft.) of bulk storage for each dwelling unit (s.4.4.2);
- (c) A multi-purpose indoor amenity space at least 37 sq. m. (398 sq. ft.) with a wheelchair accessible washroom and kitchenette, and

Note to Applicant: As per guidelines, include turning radius and provision of baby change table.

- (d) A balcony for each unit with 1.8 m by 2.7 m minimum dimensions (S. 4.3.2).

## 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 and to the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services, and the General Manager of Arts, Culture and Community Services, or successors in function, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

### Engineering

- 2.1 Arrangements are to be made for the dedication of the easterly portion of the site, a distance of 50 feet from the centre line of the original road, measured at right angles thereto of the site for road purposes (in accordance with the Building Line in Schedule E of the Zoning and Development Bylaw No. 3575). A subdivision is required to effect the dedication. A subdivision plan and application to the Subdivision and Strata Group is required. For general information, see the subdivision website at:  
<http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>

- 2.2 Arrangements are to be made for release of Easement & Indemnity Agreement 530425M (commercial crossing) prior to enactment.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition for zoning enactment. Prior to building occupancy the applicant is to supply a written request to the City, a fresh title search and a copy of the documents along with executable discharge documents to affect the releases.

- 2.3 Provision of a building setback and surface statutory right of way (SRW) for public pedestrian use over a portion of the site, along Arbutus St to achieve a 5.5 m offset distance measured from the back of the existing curb for widened sidewalks.

Note to Applicant: The SRW will be free of any permanent obstruction such as structure, mechanical vents, stairs, and planter walls at grade and is to accommodate the underground parking structure within the SRW agreement.

- 2.4 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

2.6 (a), the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

Note to Applicant: For general Latecomer Policy information refer to the website at <https://vancouver.ca/home-property-development/latecomer-policy.aspx#redirect>

(a) Provision of adequate water service to meet the fire flow demands of the project.

- (i) Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by R.F.Binnie & Associates Ltd. dated September 10, 2021, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 150 mm along West 16th Avenue or 150 mm along Arbutus Street. 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.

- (ii) 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 3205 Arbutus St require the following in order to improve sewer flow conditions.

Local Servicing Upgrade:

- (1) Separate 113 m of existing 200 mm COMB main to 200 mm SAN and 250 mm STM in lane west of Arbutus Street from MH\_FJCTYR fronting 3205 Arbutus Street to MH\_FJCTYO at intersection of West 18th Avenue and the lane west of Arbutus Street.
- (2) Separate 101 m of existing 200 mm COMB main to 200 mm SAN and 300 mm STM in lane west of Arbutus Street from MH\_FJCTYO at intersection of West 18th Avenue and the lane west of Arbutus Street to MH\_FJCTYN at intersection of West 19th Avenue and the lane west of Arbutus Street.

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

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: Development to be serviced to the proposed 250 mm STM and 200 mm SAN sewers in lane west of Arbutus Street.

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. This shall be demonstrated by preparation of a Rainwater Management Plan with all necessary supporting calculations and drawings prior to the issuance of the development permit.

- (c) Provision of street improvements along Arbutus Street adjacent to the site and appropriate transitions including the following:
  - (i) Minimum 1.22 m (4.0 ft.) wide front boulevard (measured from the back of the existing curb) with street trees where space permits (south of the existing bus zone);
  - (ii) Broom finish saw-cut concrete sidewalk from the edge of the front boulevard to the new property line; and
  - (iii) Removal of the existing unused driveway crossings and reconstruction of the boulevard, sidewalk, and curb to current standards.
- (d) Provision of street improvements along West 16th Avenue adjacent to the site and appropriate transitions including the following:
  - (i) Front boulevard with street trees where space permits;
  - (ii) Minimum 2.14 m (7.0 ft.) wide broom finish saw-cut concrete sidewalk; and
  - (iii) Removal of the existing unused driveway crossing and reconstruction of the boulevard, sidewalk, and curb to current standards.
- (e) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.
- (f) Provision of new pad mounted service cabinet/kiosk on West 16th Avenue.
- (g) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

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

- (h) Provision to reconstruct laneway along the development site's frontage per City "Higher Zoned Lane" pavement structure with a center valley. Install a new catch basin in the lane at the southern extent of the development site.
- (i) Provision of a new standard concrete lane crossing, new curb returns and curb ramps at the existing lane crossing on West 16th Avenue adjacent to the site.
- (j) Provision of lane lighting on standalone poles connected to underground ducts. The ducts should be connected to the existing City street lighting infrastructure.
- (k) Provision of the removal/relocation of bus stop amenities adjacent to the site (stop# 51096) including all associated passenger facilities (shelter, seating, litter can, advertising panels, foundations, drainage, electrical connection, etc.) at applicant's cost at a location to be determined by Engineering Services.

Note to Applicant: Bus shelters shall be placed in such a way as to maintain accessibility for bus boarding and alighting. Refer to the following standards:

- (i) Typical bus shelter dimensions are approximately 4.3 m x 2.2 m (14.1 ft. x 7.2 ft.);
  - (ii) Bus shelters shall be a minimum of 1.8 m (5.9 ft.) from the curb;
  - (iii) Bus shelters shall be a maximum of 9.0 m (29.5 ft.) from the bus ID pole;
  - (iv) There shall be a minimum of 3.0 m (9.8 ft.) width direct clear path from the bus ID pole to the sidewalk to allow for ramp deployment and access to the front doors of the bus; and
  - (v) No conflict with underground utilities.
- (l) Provision of funding for the installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.

2.5 Provision of \$30,000 cash for sewer catchment flow monitoring.

2.6 Provision 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) Sewer upgrades per condition 2.4 (b)(i)

Note to Applicant: The benefiting area for these works is under review

Note to Applicant: An administrative recovery charge will be required from the applicant in order to settle the latecomer agreement. The amount, which will be commensurate

with the costs incurred by the City to administer the latecomer scheme, will be provided by the City and specified in the latecomer agreement.

Note to Applicant: For general Latecomer Policy information refer to the website at <https://vancouver.ca/home-property-development/latecomer-policy.aspx#redirect>

- 2.7 Provision of all third party utility services (e.g., BC Hydro, Telus and Shaw) to be underground. BC Hydro service to the site shall be primary.

BC Hydro System Vista, Vista switchgear, pad mounted transformers, low profile transformers and kiosks as well as telecommunications kiosks are to be located on private property with no reliance on public property for placement of these features. Submission of a written confirmation from BC Hydro that all these items will be located on the development property.

For questions on this requirement, please contact Utilities Management Branch at 604-829-9447 or at [umb@vancouver.ca](mailto:umb@vancouver.ca).

## Housing

- 2.8 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 Section 219 Covenant to secure all 54 residential units as secured rental housing units for the longer of 60 years and the life of the building, subject to the following additional 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) That, if a waiver of the Development Cost Levies is sought pursuant to the Development Cost Levy By law, prior to rezoning enactment, all proposed residential units will meet the definition of “for-profit affordable rental housing” in the Development Cost Levy By-law and accordingly, the average size of all residential units will not be greater than specified for for-profit affordable rental housing in the Development Cost Levy By-law, and the average initial rents for all proposed residential units will not exceed rents specified for for-profit affordable rental housing in the Development Cost Levy By-law. A rent roll would be provided indicating the agreed initial monthly rents for each rental unit, when the Housing Agreement is entered into, prior to development permit issuance and prior to DCL calculation during building permit.
  - (e) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may in their sole discretion require.

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

Note to Applicant: If the applicant chooses to seek a waiver of the Development Cost Levies at any stage, the application will be subject to further review to determine if land lift is generated and a further Public Hearing may be required.

Note to Applicant: If the applicant chooses to seek a waiver of the Development Cost Levies at the development permit stage, a new Housing Agreement will be required prior to development permit issuance to secure the obligations described in subsection (d) above.

## **Sustainability**

- 2.9 The applicant will enter into an agreement with the City, on terms and conditions acceptable to the Director of Sustainability and the Director of Legal Services, that requires the future owner of the building to report energy use data, on an aggregated basis, for the building as a whole and certain common areas and building systems. Such an agreement will further provide for the hiring of a qualified service provider to assist the building owner for a minimum of three years in collecting and submitting energy use data to the City.

## **Environmental Contamination**

- 2.10 As applicable:

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

## **Agreements**

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



The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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

\* \* \* \* \*

**3205 Arbutus Street**  
**PROPOSED CONSEQUENTIAL AMENDMENTS**

**SIGN BY-LAW No. 11879**

In Schedule A (CD-1 Zoning Districts regulated by Part 9) of the Sign By-law add:

“3205 Arbutus Street [CD-1 #]      [By-law #]      C-1”

**NOISE CONTROL BY-LAW No. 6555**

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

“[CD-1#]      [By-law #]      3205 Arbutus Street”

\* \* \* \* \*

3205 Arbutus Street  
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

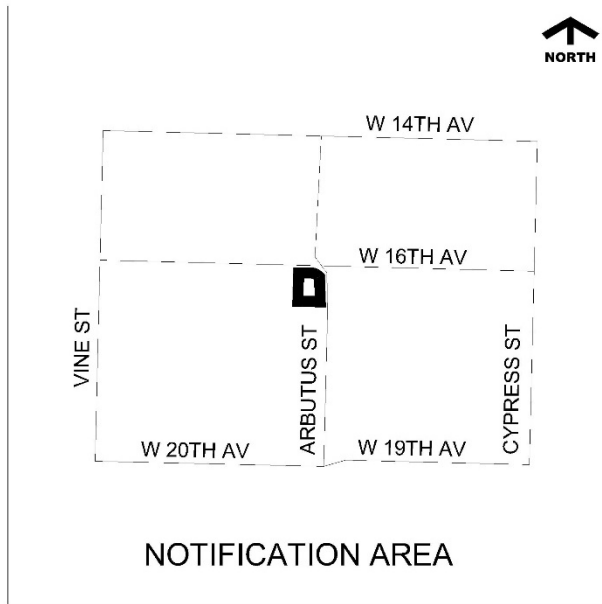
	Date	Results
<b>Event</b>		
Virtual open house (City-led)	January 10, 2022 – January 30, 2022	181 participants (aware)* <ul style="list-style-type: none"> <li>• 89 informed</li> <li>• 49 engaged</li> </ul>
<b>Public Notification</b>		
Postcard distribution – Notice of rezoning application and virtual open house	January 6, 2022	735 notices mailed
<b>Public Responses</b>		
Online questions	January 10, 2022 – January 30, 2022	0 submittals
Online comment forms <ul style="list-style-type: none"> <li>• Shape Your City platform</li> </ul>	November, 2021 – November, 2022	58 submittals
Overall position <ul style="list-style-type: none"> <li>• support</li> <li>• opposed</li> <li>• mixed</li> </ul>	November, 2021 – November, 2022	48 submittals <ul style="list-style-type: none"> <li>• 41 responses</li> <li>• 5 responses</li> <li>• 2 responses</li> </ul>
Other input	November, 2021 – November, 2022	1 submittal
<b>Online Engagement – Shape Your City Vancouver</b>		
Total participants during online engagement period	November, 2021 – November, 2022	755 participants (aware)* <ul style="list-style-type: none"> <li>• 269 informed</li> <li>• 57 engaged</li> </ul>

*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 an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Building height, massing, density and context:** The proposed height and density is appropriate given the proximity to a future Broadway transit station. The height could be increased given its location.
- **Rental housing:** The need for rental housing is appreciated in this neighbourhood. The proposal was perceived as a good use of an underutilized site. In addition, a greater amount of rental housing units would be appreciated.
- **Building design:** The proposed design is suitable for Arbutus Street and contains high quality urban design aesthetics.
- **Commercial retail space:** There was appreciation for the commercial retail spaces at grade, which will improve the public realm for pedestrians.
- **Transportation Connectivity:** The building is located in proximity to Broadway transit station under construction and the Arbutus Greenway. The housing could be suitable for students attending and traveling to UBC.

Generally, comments of concern fell within the following areas:

- **Parking reduction:** Proposal should have a reduction in parking supply given its proximity to a future Broadway transit station.

- **Traffic safety and congestion:** The intersection is congested and noisy, and vehicles travel quickly, creating an unsafe experience.

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:*

- Appreciate 3-bedroom units are proposed
- Proposal will not contribute to renters being displaced.
- Rooftop amenity space appears well designed
- Appreciate the preservation of the larger tree at corner.

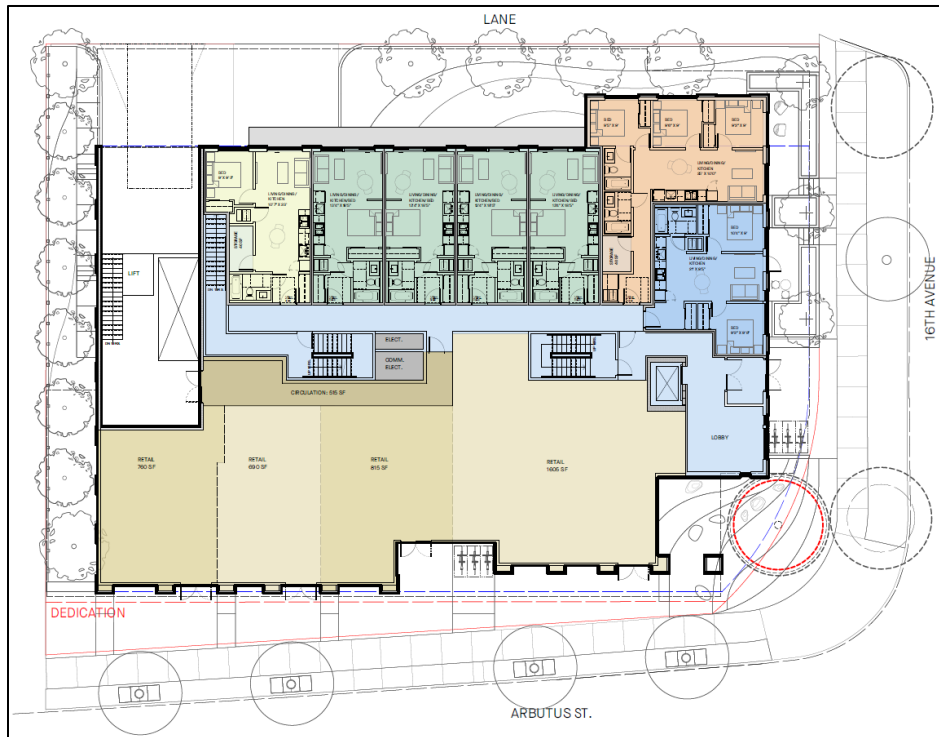
*General comments of concern:*

- Need to ensure housing is appropriate for families with children.
- The children's play area is too close to the street noise and traffic congestion.
- The applicant's transportation study has a conflict-of-interest because the firm responsible for the study is hired by the applicant. It is not performed independently.
- Proposal could use more visual appeal, such as a mural or colourful features.

\* \* \* \* \*

3205 Arbutus Street  
FORM OF DEVELOPMENT DRAWINGS

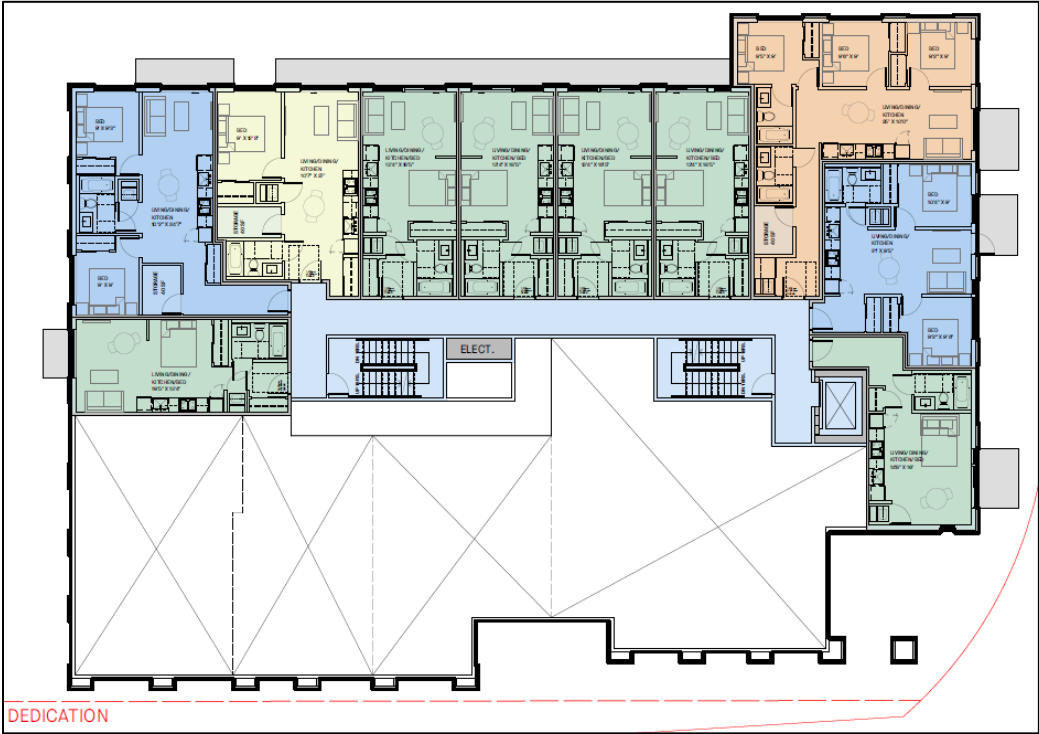
Proposed Site Plan/Ground Floor



Recommended Site Plan/Ground Floor



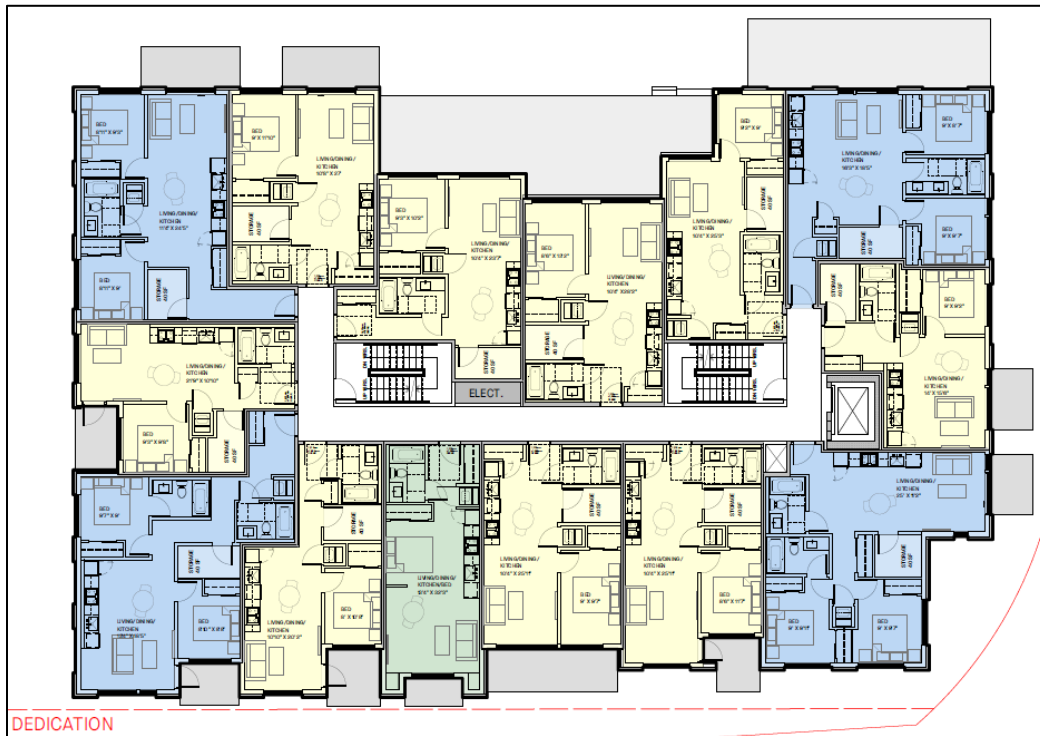
Proposed Mezzanine



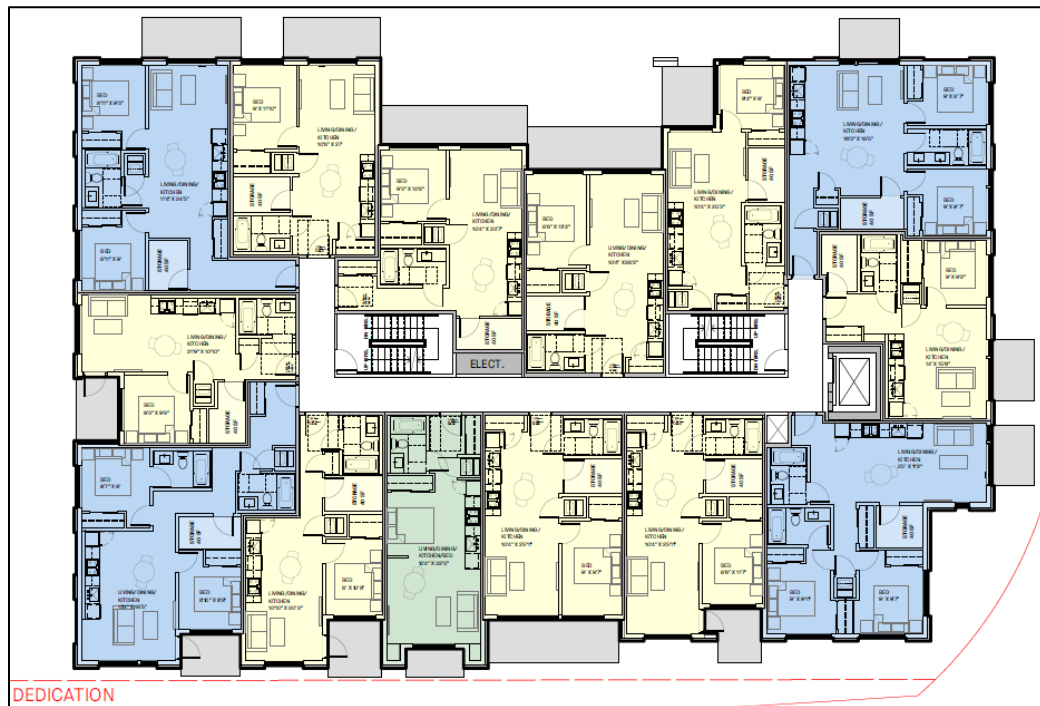
Recommended Mezzanine



## 2nd Floor

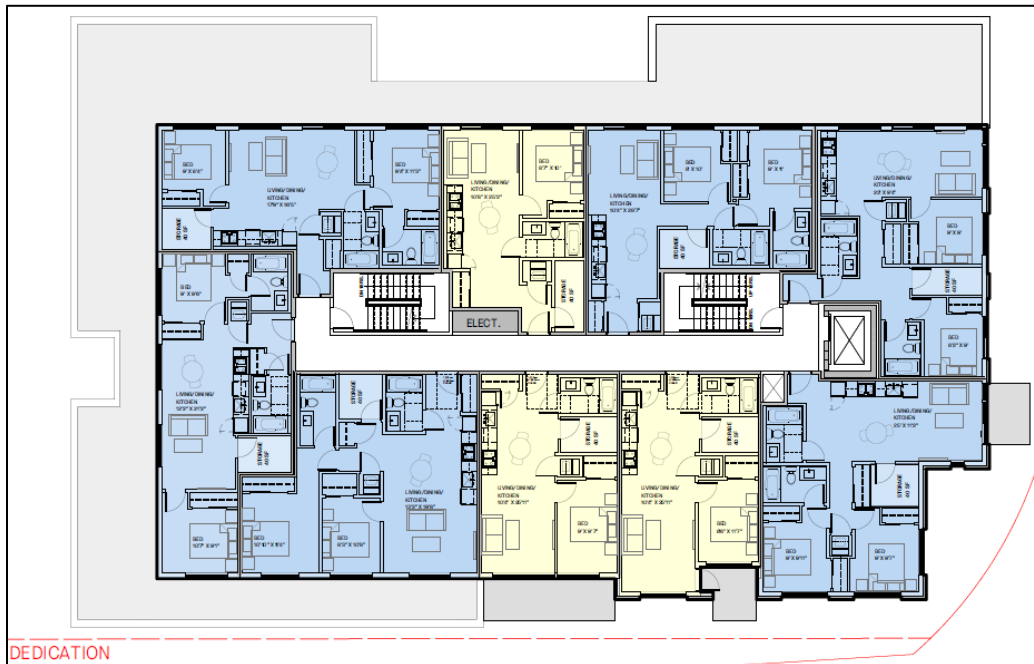


## 3rd Floor





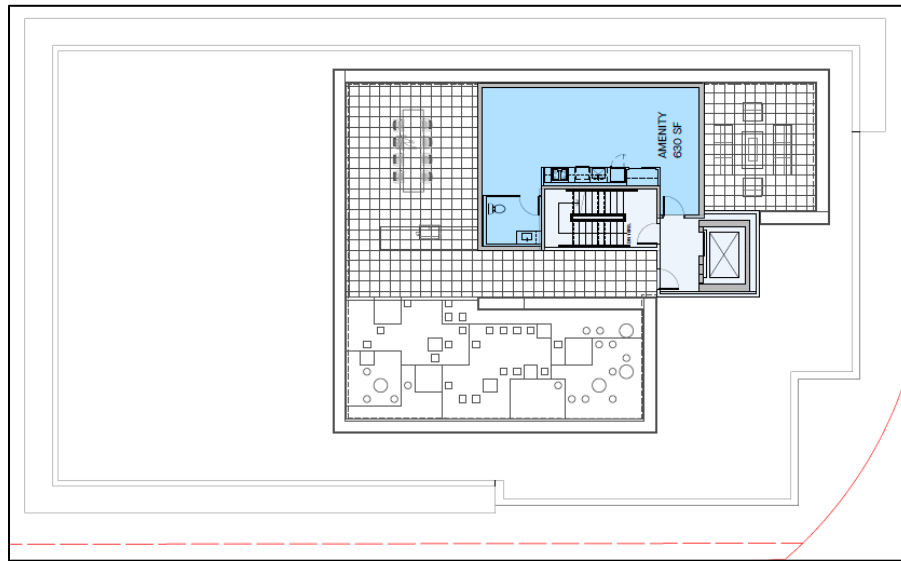
### Proposed 4th Floor



### Recommended 4th Floor



**Rooftop Amenity**



**Proposed North Elevation**



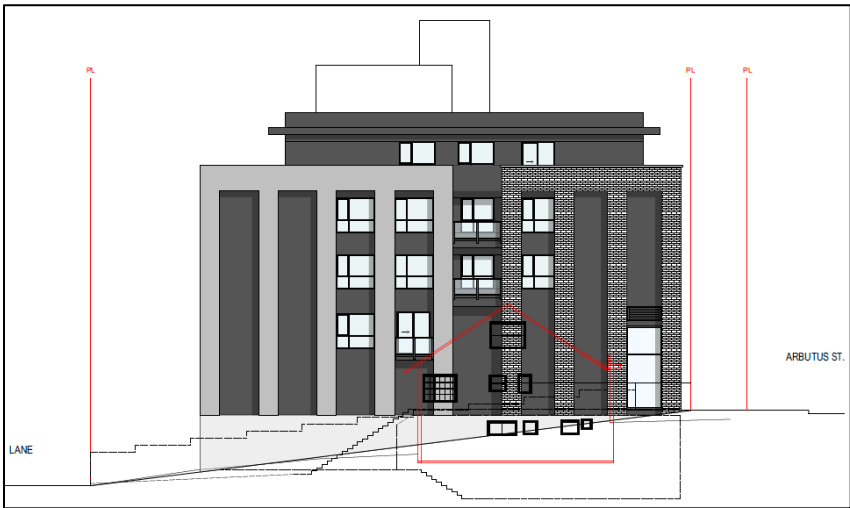
**Recommended North Elevation**



East Elevation



South Elevation



West Elevation



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**3205 Arbutus Street  
PUBLIC BENEFITS SUMMARY**

**Project Summary:**

Four-storey mixed-used building with 54 secured market rental units and commercial at grade.

**Public Benefit Summary:**

The project would deliver a DCL payment and 54 secured market rental housing units through a Housing Agreement for the life of the building and 60 years, whichever is longer.

	Current Zoning	Proposed Zoning
Zoning District	C-1	CD-1
FSR (site area = 1,558.5 sq. m (16,776 sq. ft.))	1.20	2.56 (including minimum of 0.35 for non-dwelling uses)
Floor Area	1,870.2 sq. m (20,131 sq. ft.)	3,989.8 sq. m (42,947 sq. ft.)
Land Use	Mixed-use	Mixed-use

**Summary of Development Contributions Expected Under Proposed Zoning**

City-wide DCL <sup>1</sup>	\$851,453
Utilities DCL <sup>1</sup>	\$476,891
<b>TOTAL</b>	<b>\$1,328,344</b>

**Other Benefits** (non-quantified components): 54 rental housing units secured for the longer of 60 years and the life of the building

<sup>1</sup> Based on by-laws in effect as of September 30, 2022. DCLs are payable at building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage. DCL by-laws are subject to future adjustment by Council including annual inflationary adjustments. A development may qualify for 12 months of in-stream rate protection. See the City's [DCL Bulletin](#) for more details.

\* \* \* \* \*

**3205 Arbutus Street**  
**APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

**Property Information**

Address	Property Identifier (PID)	Legal Description
3205 Arbutus Street	024-760-595	Parcel A Block 484 District Lot 526 Group 1 New Westminster District Plan LMP45736

**Applicant Information**

<b>Developer</b>	Strand Development
<b>Architect</b>	Yamamoto Architecture
<b>Registered Owner</b>	1088573 B.C. Ltd., represented by John D.L. Mackay and Michael D.K. Mackay

**Development Statistics**

	Permitted Under Existing Zoning	Proposed	Recommended other than Proposed
<b>Zoning</b>	C-1	CD-1	
<b>Site Area</b>	1,558.5 sq. m (16,776 sq. ft.)	1,558.5 sq. m (16,776 sq. ft.)	
<b>Land Use</b>	Mixed-use	Mixed-use	
<b>Maximum FSR</b>	1.20	2.50	2.56 (including minimum of 0.35 for non-dwelling uses)
<b>Maximum Height</b>	10.7 m (35 ft.)	19.2 m (63 ft.) to the top of the parapet and 22.4 m (73 ft.) to the top of the rooftop amenity space and roof access	
<b>Floor Area</b>	1,870.2 sq. m (20,131 sq. ft.)	3,896.3 sq. m (41,940 sq. ft.)	3,989.8 sq. m (42,947 sq. ft.)
<b>Unit Mix</b>	N/A	Studio 12 1-Bed 23 2-Bed 17 3-Bed 2	Studio 11 1-Bed 22 2-Bed 19 3-Bed 2
		<b>Total 54 Units</b>	
<b>Parking and Bicycle Spaces</b>	As per Parking By-law	As per Parking By-law	
<b>Natural Assets</b>	7 on-site trees	Retain 1 tree. To be confirmed at development permit stage	

\* \* \* \* \*