



REFERRAL REPORT

Report Date: April 25, 2023
Contact: Yardley McNeill
Contact No.: 604.873.7582
RTS No.: 15696
VanRIMS No.: 08-2000-20
Meeting Date: May 9, 2023

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 427-449 West 39th Avenue

RECOMMENDATION TO REFER

THAT the rezoning application, 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 by-law(s), in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT the application by Gracorp Properties Ltd. on behalf of W39 Investment Holdings Ltd., the registered owner of the lands located at 427-449 West 39th Avenue [*Lots 8-10, Block 854 District Lot 526 Plan 7240; PIDs 010-681-841, 010-681-876, and 010-681-884 respectively*], to rezone the lands from RS-1 (Residential) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 0.70 to 6.10 and the building height from 10.7 m (35.1 ft.) to 55 m (180 ft.), to permit the development of an 18-storey building containing 176 secured-rental units, with 20% of the residential floor area secured as below-market rental units, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Musson Cattell Mackey Partnership, received March 11, 2022 with revisions received May 13, 2022, provided 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 in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.
- C. THAT subject to approval of the CD-1 By-law, the Subdivision By-law be amended, generally as set out in Appendix C subject to approval of the CD-1 By law;

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.

- 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; 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 427-449 West 39th Avenue to a CD-1 (Comprehensive Development) District. The proposal is for an 18-storey building consisting of 176 secured-rental residential units, of which 20% of the residential floor area would be below-market rental (BMR) units.

The proposed use and form of development are consistent with the intent of the *Cambie Corridor Plan* ("Plan"). 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)
- Cambie Corridor Plan and Cambie Corridor Public Realm Plan (2018)
- Housing Vancouver Strategy (2017)
- Housing Needs Report (2022)
- Moderate Income Rental Housing Pilot Program (MIRHPP) Rezoning Policy (2017, last amended 2021)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992, last amended 2020)
- Green Buildings Policy for Rezoning (2010, last amended 2022)
- Community Amenity Contributions Policy for Rezoning (1999, last amended 2023)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183
- Public Art Policy and Procedures for Rezoned Developments (1994, last amended 2014)
- Urban Forest Strategy (2014, last amended 2018)

REPORT

Background/Context

1. Site and Context

The subject site is zoned RS-1 and located on the north side of West 39th Avenue, between Alberta and Cambie Streets (Figure 1). The properties consist of a three-lot assembly, with a frontage of 46.9 m (154 ft.) along 39th Avenue and a total site area of 1,770 sq. m (19,052 sq. ft.). The lots contain three single-detached houses. At the time of application, the homes were owner-occupied and the *Tenant Relocation and Protection Policy* does not apply.

Figure 1: Location Map – Site and Context



The surrounding area is zoned primarily residential and commercial. The neighbourhood is undergoing significant change, with several buildings approved or under construction. Nearby properties have redevelopment potential, ranging from six storeys to 57 storeys at Oakridge Centre, located south two blocks south.

Neighbourhood Amenities – The following neighbourhood amenities are within the vicinity:

- *Public Parks* – Queen Elizabeth Park (165 m), Columbia Park (345 m), Van Dusen Botanical Garden and Oak Meadows Park (1 km), and Montgomery Park (1.1 km).
- *Cultural Spaces/Community Spaces* – Oakridge Centre (275 m) will include a new rooftop park, library, seniors centre, and community centre. Rezoning was approved for a youth centre at 5812 Cambie Street (350 m) and an artist live-work space at 5910 Cambie Street (450 m).
- *Childcare* – Garderie L'ile Aux Enfants (575 m) and expanded childcare at the Jewish Community Centre (900 m). Rezoning was approved for a childcare facility at 5812 Cambie Street (350 m). Oakridge Centre (275 m) and Oakridge Transit Centre (775 m) have been approved for new childcare facilities.

Local School Capacity – The site is within the catchment area of Sir William Van Horne Elementary School and Eric Hamber Secondary School. According to the Vancouver School Board (VSB)'s *2020 Long Range Facilities Plan* from January 25, 2021, both Van Horne Elementary and Eric Hamber Secondary will be operating under capacity in the coming years, with a utilization rate at 88% and 86% respectively, by 2029.

2. Policy Context

Vancouver Plan – 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 *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 *Cambie Corridor Plan* which is generally in alignment with the *Vancouver Plan*.

Cambie Corridor Plan (“Plan”) – The properties are located within the Oakridge Municipal Town Centre (MTC) neighbourhood of the *Plan*. Redevelopment is guided by Subsection 4.3.6 which anticipates high-density residential off arterial areas. Policies support opportunities for affordable housing with improved streetscapes, parks, shops, and services. Specifically, Section 4.3.6.1 “High-Density Residential Areas (North of 41st Avenue)” allows for residential buildings up to 18 storeys with 100% secured-rental housing with 20% of residential floor area as below-market rental (BMR) having rental rates, unit eligibility requirements, and operating requirements in accordance with the City’s *Moderate Income Rental Housing Program (2017)*. The *Plan* also permits a partial storey for an indoor rooftop amenity space that is contiguous with outdoor amenity space.

Housing Needs Report – On April 27, 2022, Council resolved at a public meeting to receive a *Housing Needs Report* prepared by staff. Further to the Provincial government's requirement, Council must consider the most recent housing needs report and the housing information on which the report is based when developing a development plan, or when amending a development plan in relation to housing policies of the Council respecting affordable housing, rental housing and special needs housing.

This application implements Council-approved direction on housing contained in the *Plan*, which is well supported by the data and findings in the *Housing Needs Report*.

Housing Vancouver – *Housing Vancouver* shifts the supply of new homes toward the right supply, with targets for new units along a continuum of housing types.

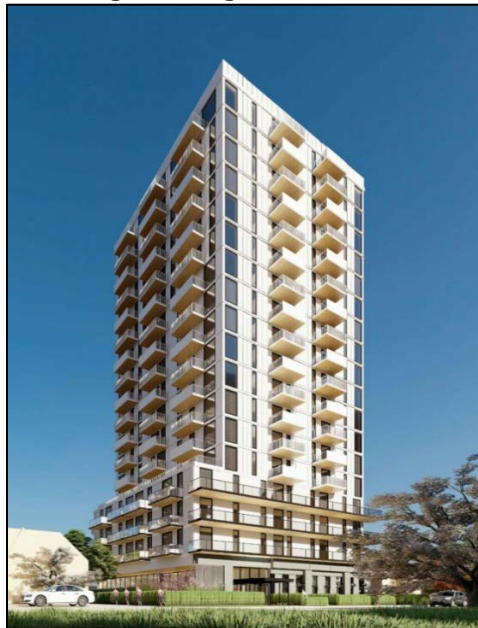
Overall, 72,000 new homes are targeted, including 20,000 purpose-built rental units. Nearly 50% of the new units are to serve households earning less than \$80,000 per year, and 40% are to be family-size units.

Strategic Analysis

1. Proposal

The proposal is for an 18-storey residential building with 176 units of secured-rental residential, of which 20% of the floor area will be secured at below-market rates (Figure 2). A total floor area of 10,797 sq. m (116,218 sq. ft.) and a floor space ratio (FSR) of 6.10 are proposed. Two levels of underground parking are accessed from the lane.

Figure 2: Building Massing as Viewed from 39th Avenue



2. Land Use

The proposed residential use is consistent with the *Plan*.

3. Form of Development, Height and Density (Drawings in Appendix E and statistics in Appendix H)

In assessing urban design performance, staff consider “High-Density Residential Areas” and the “MTC High-Density Buildings” in the *Plan*. Public realm guidance is also provided in the *Cambie Corridor Public Realm Plan*.

Form of Development – The *Plan* considers 18-storey “towers in open space” at this location. The proposal is consistent with this direction, and provides a substantial at-grade shared space for residents, while creating an active and engaging street edge that provides visual interest at the ground level.

The tower placement ensures a 27 m (90 ft.) separation to future towers on the block. As recommended by the *Plan*, a 15% increase in floor plate size is proposed for the first four storeys to accommodate at-grade amenities and to create a consistent relationship to adjacent podium forms. The floor plate of 603.9 sq. m (6,500 sq. ft.) aligns with the *Plan* to ensure a slender form and provides openness to the sky. The ground level is higher than a typical residential level in order to improve the usability of the lobby and common indoor amenity room, and to accommodate the required loading height clearances. This creates an opportunity to provide a mezzanine level for the residential units along 39th Avenue. Staff have prepared conditions to ensure this design solution does not result in an additional storey.

Height – The proposed 18 storeys with a height of 55 m (180 ft.) aligns with the *Plan* for height at this location. While not proposed, the CD-1 By-law includes a second building height to accommodate a potential rooftop amenity space that is co-located with outdoor space, should the applicant choose to relocate the amenity space in future. Rezoning conditions require that a future amenity space is to be set back to limit its visibility from the street.

Density – The *Plan* anticipates a site-specific density that varies with urban design performance. The proposed FSR of 6.10 is consistent with the guidelines for a tower in open space form.

Public Realm – For site frontages greater than 45.7 m (150 ft.), the *Plan* requires a secondary active link to improve pedestrian connectivity. The building is set back from the western property line to facilitate provision of this link. The at-grade landscaping reinforces the residential street experience by promoting a substantial open yard next to the tower. To further improve pedestrian interest and animate the streets, the proposed ground-oriented units have individual entrances and patios facing 39th Avenue.

Shadowing – The proposal does not create shadow impacts onto Queen Elizabeth Park due to its location on the south corner of the block.

Private Amenity Space – Common indoor and outdoor amenity spaces are located at the ground level adjacent to the open space for the tower. Additional outdoor amenity space is also located on the rooftop. Staff have provided a recommendation to relocate the amenity space to the rooftop and further expand and enhance the functionality and quality of these spaces.

Urban Design Panel – The Urban Design Panel supported this application on May 25, 2022 with recommendations to improve the interior and exterior design to enhance its relationship at grade (see Appendix D). Rezoning conditions seek to address the recommendations from the Panel.

Staff conclude that the proposal is consistent with the density, height and built form directions of the *Plan*. Staff support the application subject to formal modifications outlined herein and provided in the design conditions detailed 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 to the City's inventory of rental and below-market rental housing and contribute to targets set out in the *Strategy* (see Figure 3).

Figure 3: Progress towards 10-Year Housing Vancouver Targets for Purpose-Built Market and Developer-Owned Below-Market Rental Housing as of December 31, 2022

Housing Type	Category	10-Year Targets ¹	Units Approved Towards Targets ²
Purpose-Built Market Rental Housing Units	Market Rental	16,000	11,813 (74%)
	Developer-Owned Below-Market Rental	4,000	1,228 (31%)
	Total	20,000	13,041 (65%)

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

2. 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. In 2022, the purpose-built apartment vacancy rate was 0.9%. The vacancy rate (based on the Canada Mortgage Housing Corporation (CMHC) Market Rental Survey) for the Southeast Vancouver neighbourhood is 0.3%. A vacancy rate of 3% represents a balanced market.

Housing Mix – The *Family Room: Housing Mix Policy for Rezoning Projects* policy requires a minimum of 35% of the units be two or more bedrooms. This application proposes 40.8% market-rental family units and 38.1% below-market rental family units, meeting the policy (see Figure 4). A provision is included in the CD-1 By-law to meet the minimum unit mix requirements. These units must be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

Figure 4: Proposed Unit Mix

Type	Market Rental		Below-Market Rental	
	Count	Percentage	Count	Percentage
Studio	28	19.7%	3	8.8%
1-bed	56	39.4%	18	52.9%
2-bed	55	38.7%	7	20.5%
3-bed	3	2.1%	6	17.6%
Total	142	100%	34	100%

Average Rents and Income Thresholds – A minimum of 20% of the residential floor area that is counted in the calculation of the floor space ratio will be secured as BMR units and have rental rates, unit eligibility requirements, and operating requirements in accordance with the City's Moderate Income Rental Housing Program (2017). Figure 5 sets out the maximum average rents for the below-market units for 2023. The maximum average rents in Figure 5 will continue to escalate according to the Residential Tenancy Act (RTA) annual increase until occupancy. Following occupancy, the rents are capped at the annual allowable rate permitted under the RTA, regardless of a change in tenancy.

Figure 5: Average Rents for Below-Market Units

Unit Type	Below-Market Rental (BMR) Units Average Starting Rents	
	Proposed Average Unit Size (market and BMR units)	Average Rent for BMR units (2023)*
Studio	376 sq. ft.	\$1,091
1-bed	492 sq. ft.	\$1,378
2-bed	712 sq. ft.	\$1,837
3-bed	842 sq. ft.	\$2,296

*Rents escalated from 2017 MIRHPP rents by RTA to 2023

The market and below-market rental housing component will provide options that are more affordable than home ownership, illustrated in Figure 6.

Figure 6: Market Rents in Newer Westside Buildings, Costs of Ownership and Household Income Served

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

¹ 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

²Based 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).

To be eligible for a BMR unit, a household's gross annual income must not exceed the income requirements for the unit type, with at least one household member per bedroom. All residents will have access to common indoor and outdoor amenities.

Security of Tenure – Purpose-built rental housing offers secure rental tenure. All units in the proposal would be secured through a Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of the building. The Housing Agreement will secure no less than 20% of the residential floor area that is counted in the calculation of the floor space ratio for BMR units to be rented at rates targeted to meet the affordability needs of moderate income households. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units.

5. Transportation and Parking

The site is well served by transit, located northeast of the Oakridge-41st Avenue Canada Line Skytrain station with bus service along Cambie Street and 41st Avenue. Bicycle lanes are located along 41st Avenue, Cambie Street, and Willow Street.

Vehicle and bicycle parking is provided over three levels of underground parking, accessed from the lane. The application proposes 69 vehicle spaces, one Class B loading space, along with 347 bicycle spaces. Parking and loading are to meet the Parking By-law at the development permit stage.

Engineering conditions require transportation improvements, including street, lane, and lighting upgrades. Conditions also require the construction of a new, paved mid-block active link with new, pedestrian-scale lighting, set out in Appendix B.

6. Environmental Sustainability and Natural Assets

The *Green Buildings Policy for Rezoning*s requires that applications satisfy the green and resilient building conditions. The applicant has submitted a preliminary modelling analysis to meet energy, emissions and embodied carbon targets. Examples include resilient building measures, a commitment to energy system sub-metering, and enhanced commissioning requirements. Conditions are provided in Appendix B.

Natural Assets – The *Urban Forest Strategy* seeks to preserve, protect and strengthen Vancouver’s urban forest and tree canopy. The Protection of Trees By-law requires permission to remove trees which meet certain conditions in an effort protect as many healthy, viable trees as possible, while still meeting the challenges of development and housing priorities.

The application proposes retention of five existing street trees along 39th Avenue as well as four off-site trees. There are 14 on-site trees proposed for removal due to poor condition and conflict with the building footprint. Approximately 40 new trees are proposed. Landscaping is proposed for both the mid-block connection and open spaces surrounding the tower along with provisions to create a green roof. See Appendix B for landscape conditions.

7. Public Input

A rezoning information sign was installed on the site on May 9, 2022. Approximately 1,056 notification postcards were distributed within the neighbouring area on or about May 12, 2022. Notification, application information, and an online comment form was provided on the Shape Your City Vancouver website (<https://shapeyourcity.ca/>). 128 people signed onto the website to review the application.

Figure 7: Overview of Notification and Engagement



Virtual Open House – A virtual open house was held from May 16 to June 5, 2022 on the Shape Your City platform. 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. A digital model was posted for online viewing.

Public Response – Public input was via online questions, comment forms, by email and phone. A total of 28 submissions were received. A summary of all responses are in Appendix D.

Comments of support were for the proposed density and architectural design. Support was also expressed for the provision of additional rental, below-market rental, and amenity spaces. Comments of concern were related to the building height, impacts to views, and an insufficient amount of parking.

Response to Public Comments – The proposed height and density aligns with the *Plan*. The tower in an open space form, in conjunction with the mid-block connection, maximizes opportunities for sunlight and ensures adequate spacing for residential privacy and views. In terms of the proposed parking counts, a Transportation Demand Management (TDM) Plan will be required to review the proposed vehicle parking reduction.

8. Public Benefits

Community Amenity Contributions (CACs) – Per the *Plan*, this area is identified as a “pre-set affordable housing target” for which a minimum amount of affordable housing is expected to account for the public benefit. Given the financial testing undertaken during the *Plan*’s creation to determine the acceptable percentage of below-market housing commensurate with the permitted height and density, no additional cash CAC contribution will be required.

Rental Housing – The proposal includes 176 secured-rental housing units including a minimum of 20% of the residential floor area as below-market rental units (approximately 34 units) for the longer of 60 years and the life of the building. The secured rental housing including below market rental units will contribute to the City’s secured rental housing stock serving a range of income levels and to delivery of the *Plan*’s Public Benefits Strategy.

Development Cost Levies (DCLs) – Development on this site is subject to the City-wide and Utilities DCL. 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.

Based on rates in effect as of September 30, 2022 and 10,797 sq. m (116,218 sq. ft.) of residential floor area, \$1,382,994 in City-wide Utilities DCLs would be expected. The secured market rental project, which secures 20% of residential floor area for below market rental units, is expected to be eligible for and has requested a Class A (100%) City-wide DCL Waiver. The value of the City-wide DCL Waiver is estimated at \$2,326,684.

Compliance with DCL waiver requirements will be assessed through the development permit stage up to occupancy permit issuance, ensuring that maximum average unit sizes are not exceeded and a final rent roll that sets out the required initial monthly rents is submitted.

Public Art – The application is subject to a public art contribution, estimated to be \$230,112.

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

Financial Implications

As noted in the Public Benefits section, the site will provide secure market rental including below market rental units, DCL payments and public art contribution. See Appendix G for details.

CONCLUSION

The proposed land use, density, housing affordability, form of development and public benefits are consistent with the *Cambie Corridor Plan*. The proposal would add 176 secured-market rental units with 20% of the residential floor area secured at below-market rates.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with the 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.

* * * * *

**427- 449 West 39th Avenue
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 multilevel 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.]

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) "Below-market Rental Housing Units" means dwelling units that meet the requirements of approved Council policies and guidelines for Below Market Rental Housing, as secured by a housing agreement registered on title to the property.

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 in this 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 below-market rental housing units.

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

Floor Area and Density

- 6.1 Computation of floor area must assume that the site area is 1,770.0 m², being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.
- 6.2 The maximum floor space ratio for all uses combined is 6.10.
- 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, 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 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit; and

- 6.5 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.
- 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 below-market rental housing units as storage area.

Building Height

- 7.1 Building height must not exceed 55 m.
- 7.2 Despite section 7.1 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 or mechanical appurtenances must not exceed 61.3 m.

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 8.2 For the purposes of section 8.1 above, habitable room means any room except a bathroom or a kitchen.
- 8.3 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.
- 8.4 The plane or planes referred to in section 8.3 above must be measured horizontally from the centre of the bottom of each window.
- 8.5 An obstruction referred to in section 8.3 means:
- (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 8.6 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.

**427-449 West 39th Avenue
CONDITIONS OF APPROVAL**

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

PART 1: CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by Musson Cattell Mackey Partnership received March 11, 2022, with revisions received May 13, 2022 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 reduce perceived height of the tower.

Note to Applicant: Ensure the residential units at grade do not trigger an additional storey. A true mezzanine is supportable.

- 1.2 Design development to improve the relationship between the at-grade interior (lobby, amenity room) and exterior.

Note to Applicant: Lobbies should be designed to support socializing and should include seating.

- 1.3 Design development to ensure high quality materials and level of detailing.

Note to Applicant: While it is understood that materials and detailing may evolve during the development permit stage, the submission should demonstrate a commitment to provide durable, high-quality materials and robust detailing. This is to ensure visual interest, and maintenance and enhancement of the neighbourhood character through architectural quality, durability and longevity.

- 1.4 Design development to provide a green roof as outlined in the Roof-Mounted Energy Technology and Green Roofs administrative bulletin.

Note to Applicant: Architectural and landscape plans should identify the type of green roof proposed including the percentage. Refer to Landscape condition 1.10 for required urban agriculture and a dedicated children's play area.

- 1.5 Provision of 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>

Crime Prevention through Environmental Design (CPTED)

- 1.6 Provisions for Crime Prevention Through Environmental Design (CPTED) including:
- (a) particular regard for mischief in alcoves and vandalism such as graffiti; and
 - (b) encouraging natural visual surveillance.

Note to Applicant: Below grade exterior spaces such as patios, exit stairs, light wells, and other similar conditions, should be considered with regard to security, access, path lighting and location of windows that encourage natural visual surveillance.

- 1.7 Design development to improve visibility and security in the underground parking in accordance with the Parking By-law including:
- (a) overhead lighting and step lights at exit stairs and doors;
 - (b) 24 hour lights and walls painted white; and
 - (c) visibility at doors, lobbies, stairs and other access route

Landscape

- 1.8 Resolution of the conflict between the proposed development and neighbor trees NT01-NT04.

Note to Applicant: This can be done by (i) submitting a written neighbor consent letter and ensuring a tree permit application is in place to remove/replace the tree(s); or (ii) design development to ensure that all impactful work is setback sufficiently to ensure safe and responsible tree retention. While the arborist report indicates that the adjacent site trees are to be retained, the overlay of the building footprint is not accurately depicted. Further detailed analysis and coordination with the arborist will be necessary to better understand the scope of work and impacts to adjacent trees.

- 1.9 Adherence to the guidelines set forth in the Cambie Corridor Public Realm Plan, in keeping with the general intent of this document, including street tree planting as required, in coordination with Engineering condition to be determined.
- 1.10 Development to optimise programming on roof areas and at grade to achieve city-wide goals such as urban agriculture, tree canopy, children's play and thoughtful attention to amenity spaces.

Note to Applicant: Further comments may apply at the development permit review phase.

- 1.11 Provision of a detailed Landscape Plan illustrating soft and hard landscaping for the complete site, including rooftops.

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.

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

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.

- 1.13 Provision of a vegetative cover calculation sheet, included with the landscape plans.

Note to Applicant: Include a comparison of the percentage vegetative cover for the overall site and a separate calculation of the total roof area.

- 1.14 Provision of additional large scale details for roof planters, where applicable.

Note to Applicant: Large patios should include hose bib(s) to encourage balcony gardening.

- 1.15 Provision of a soil depth overlay sheet, included with the landscape plans.

- 1.16 Provision of an outdoor lighting plan.

Note to Applicant: refer to Dark Night Design Principles.
<https://vancouver.ca/files/cov/outdoor-lighting-design-tips.pdf>. Provide dimmers and timers for lights where feasible.

- 1.17 Provision of a high-efficiency automatic irrigation system for all planted areas.

Note to Applicant: Provide a partial irrigation plan demonstrating intent, including notations, legend and symbols to confirm stub out and hose bib locations. Hose bibs to be provided for large private patios (sized 100 sq. ft. or larger). Any limitations to the installation of hose bibs on private decks to be brought to the attention of staff in the written response.

- 1.18 Provision of landscape features intended to create bird friendly design;

Note to Applicant: Bird-friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion.

Refer to the *Bird Friendly Design Guidelines* for examples of landscape features that may be applicable, and provide a design rationale for the features noted. Refer to: <http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>
<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

- 1.19 Coordination of new proposed street trees with Engineering and the Park Board, confirming quantities, species, sizes and locations, and addition of the following note on the plans:

“Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Engineering Services (Streets Design Branch) at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper 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. New street trees to be confirmed prior to issuance of the building permit. Call Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion.”

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 owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
- 1.22 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.
- 1.23 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.

Note to Applicant: 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.

- 1.24 Provision of confirmation that gates/doors are not to swing more than 0.3 m (1.0 ft.) over the property lines.
- 1.25 Provision of a landscape and site plan that reflect the improvements to be provided as part of the Services Agreement.
- 1.26 Provision of a finalized Transportation Demand Management (TDM) Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: A TDM Plan with a minimum of 5 points is required (to achieve the proposed vehicle parking reduction. The proposed plan achieves 5 points. A single TDM measure may count towards multiple land uses if it is usable by each land use. Refer to Schedule B of the TDM policy for detailed requirements for each measure. Provide TDM Plan as a separate package with complete information on TDM measures proposed, including the following clarifications:

- (a) ACT-05 – Bicycle Maintenance Facilities:
 - (i) updated (TDM Plan/ Architectural plans) to note and dimension the location of facilities;
 - (b) SUP-01 – Transportation Marketing Services:
 - (i) a description of the services to be provided; and
 - (ii) any additional information regarding this measure (e.g., online signup portals or additional marketing materials) that demonstrates how the property owner will offer this service.
 - (c) OTH-01 – Innovative Strategies:
 - (i) updated architectural plans to identify and dimension the bicycle wash station and stand.
- 1.27 Subject to the acceptance of an approved TDM Plan, entry into a TDM agreement, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, which identifies the following:
- (a) secures provision of funding towards long-term TDM monitoring fund in the amount of \$280 per parking space waived;
 - (b) secures the provision of TDM measures on the site;

- (c) permits the City to access and undertake post occupancy monitoring of the Transportation Demand Management (TDM) measures proposed; and
 - (d) agrees to make reasonable adjustments to the TDM measures as requested by the City, based on the TDM monitoring results.
- 1.28 Design development to improve access and design of bicycle parking by performing the following:
- (a) provision of an alcove for the bike room access off the vehicle parking ramp and maneuvering aisle;
 - (b) bicycle storage rooms to accommodate a maximum of 40 bicycles;

Note to Applicant: This number may be increased to 120 if the room is compartmentalized and providing independent access to each section within the bicycle storage room. This number does not include bicycle lockers;
 - (c) design specifications for stacked bicycle racks including dimensions, vertical and aisle clearances;
 - (d) provision of minimum 2.4 m length and 0.9 m width for all oversized Class A bicycle spaces; and
 - (e) provision of minimum 1.5 m maneuvering aisle widths for all oversized Class A bicycle spaces.
- 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) 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 column encroachments, setbacks and parking space widths comply with the Parking and Loading Design Supplement; and

Note to Applicant: column encroachments are not permitted in single module stalls. 2.3 m (7.5 ft.) of vertical clearance is required for access and maneuvering to all disability spaces.
- 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) a complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided;

- (b) all types of parking and loading spaces individually numbered and labelled;
- (c) dimension of any/all column encroachments into parking stalls;
- (d) identification of all columns in the parking layouts;
- (e) dimensions for typical parking spaces;
- (f) dimensions of additional setbacks for parking spaces due to columns and walls;
- (g) dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates;
- (h) 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.

- (i) details on the ramp/parkade warning and/or signal systems and locations of lights, signs and detection devices to be shown on the plans;
- (j) areas of minimum vertical clearances labelled on parking levels;
- (k) 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.

- (l) indication of the stair-free access route from the Class A bicycle spaces to reach the outside;

Note to Applicant: Stair ramps are not generally acceptable.

- (m) existing street furniture including bus stops, benches etc. to be shown on plans; and
- (n) the location of all poles and guy wires to be shown on the site plan.

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

- (a) General Requirements
 - (i) 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 Complete Rainwater Management Plan Report.

- (ii) 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.
- (iii) Provide further information related to the proposed detention tank system and water quality unit on the RWM drawings such as the location, geometric properties (footprint, volume, depth), method of flow control (orifice size and control structure configuration), emergency bypass, inverts, stage-storage-discharge characteristics and relevant specifications for these features.

Note to Applicant: Provide preliminary inverts for the proposed detention tank, control structure, Water Quality unit and storm sewer connection on the RWM drawings.

Note to Applicant: Provide preliminary cross-sections of the proposed Rainwater management systems.

Note to Applicant: Provide product information and supporting sizing details related to the proposed vortex flow control.

Note to Applicant: Detailed drawings for rainwater management systems located within the building footprint that may be subject to Mechanical Engineer design at a later stage, can be deferred to BP Stage submission. Detailed drawings for rainwater management systems located outside of the building must be provided at DP stage.

- (iv) Provide a preliminary stage-storage-discharge table for the proposed detention tank system.

Note to Applicant: The stage-storage-discharge (SSD) table should indicate the proposed storage volume and release rate at key elevations throughout the detention tank including the proposed outlet and emergency overflow elevations. For more information and an example SSD table, please contact rainwater@vancouver.ca.

(b) Volume Reduction

- (i) Provide of a grading plan to support the proposal of grading hardscapes into adjacent landscaping. Coordination with the landscape architect for soil storage capacities will be required to support this proposal.
- (ii) Prioritize methods of capture by Tier 1 and 2 with Tier 3 only as a last resort.

Note to Applicant: Consider opportunities may include rainwater harvesting, or green roof on the proposed development. If not included in the design at DP, appropriate justifications must be provided to determine if exemptions may be granted.

(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.

Note to Applicant: Provide supporting Water Quality system sizing calculations with the DP submission.

Note to Applicant: Ensure that the Water Quality unit includes a bypass that events greater than the design flow can bypass the quality treatment.

(d) Release rate

- (i) Use appropriate runoff coefficients for different surface types.

Note to Applicant: Runoff coefficients for landscaping on slab should be increased to reflect the increased runoff potential for these areas compared to landscaping over native soil or justification should be provided for the current values. Currently the runoff coefficient for post-development landscaped areas on slab is assumed to be the same as pre-development landscaping over native soil.

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 it's 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'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.

- 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 signed and sealed final 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 an updated Final Hydrogeological Study, to the satisfaction of the Director of Planning, which addresses the requirements outlined in the Groundwater Management Bulletin, including but not limited to:
- (a) An updated Groundwater Management Plan which includes:
- (i) Results of the proposed additional work detailed in Section 9.0 of the Preliminary Hydrogeological Study (dated January 13, 2022);
 - (ii) Provide quantitative estimate (in litres per minute) of both the anticipated construction dewatering/drainage rate and the permanent (post-construction) dewatering/drainage rate. Include calculations, assumptions and the methodology used to determine the rates.

Note to Applicant: The City does not support the long-term discharge of groundwater to our drainage system. Every effort should be made to prevent or limit this discharge.

- (b) An updated Impact Assessment which achieves the following objective:
- (i) Analysis to confirm that there are no significant risks from groundwater extraction/diversion using the results obtained from the future hydrogeological investigation.

Note to Applicant: The City does not accept the dewatering of peat due to associated risk of offsite settlement.

Note to Applicant: Following construction, the Oakridge development is believed to be maintaining the groundwater elevation at approximately 76.5 m or less on the Oakridge property itself; water levels on adjacent properties will therefore be maintained at higher elevations, based on the drawdown created by the wells at Oakridge.

Groundwater has been extracted from the site of Oakridge Mall (41st and Cambie St.) since 1958. During this time, groundwater levels are estimated to have been lowered by up to 6 metres at Oakridge, with a generally reduced impact the further you are from the site. This artificially low water level is to be roughly maintained by Oakridge, in accordance with their Groundwater Management Strategy, but that may change over time. For additional information, the Groundwater Management Strategy is available through the Land Title Office (<https://ltsa.ca/>). The City of Vancouver is providing this information for general purposes only, and makes no warranties or representations as to the completeness, accuracy

or reliability of this information. Development applicants should retain their own geotechnical and/or hydrogeological expertise in order to determine their best course of conduct, and should not simply rely on this information.

Note to Applicant: Construction-related discharge to the sewer must be measured, and reported to the City. This monitoring must include daily average flow rates, and be submitted monthly to groundwater@vancouver.ca. A hold will be placed on the issuance of a Building Permit for excavation. To remove the hold, provide an anticipated start date for excavation, and the contact details for the professional services that have been retained to conduct this monitoring, to groundwater@vancouver.ca.

1.36 Applicant'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;

Note to Applicant: The abandonment plan is required to be reviewed and accepted by the City Engineer prior to issuance of the Sewer Permit.

1.37 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.

1.38 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>;
- (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.

- 1.39 Provision of 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 and Major Projects and/or your Engineering, Building Site Inspector for details.”

Housing

- 1.40 The proposed market unit mix, including 28 studio units (19.7%), 56 one-bedroom units (39.4%), and 55 two-bedroom units (39.7%) and 3 three-bedroom units (2.1%), and the proposed below market unit mix, including 3 studio units (8.8%), 18 one-bedroom units (52.9%), 7 two-bedroom units (20.5%), and 6 three-bedroom units (17.6%), is to be included in the Development Permit drawings.

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

- 1.41 The development should be designed in accordance with the *High-Density Housing for Families with Children Guidelines*, including the provision of:

- (a) An outdoor amenity area to include areas suitable for a range of children’s play activities and urban agriculture appropriate in size for the scale of the project, and situated to maximize sunlight access (S. 3.3.2, 3.4.3);
- (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. Consider positioning this adjacent to the children’s play area to enable parental supervision from the amenity room (S. 3.7.3); and
- (d) A balcony for each unit with 1.8 by 2.7 m minimum dimensions (S. 4.3.2).

Note to Applicant: Include dimensions for bulk storage, balconies and amenity spaces.

- (e) Adjust the average unit size of the proposed 3-bedroom townhouse units to be at or below the maximum average unit 3-bedroom townhouse unit size requirement of the DCL By-law.

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 to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the consolidation of Lots 8 to 10, Block 854, District Lot 526, Plan 7240 to create a single parcel.
- 2.2 Provision of a surface statutory right-of-way (SRW) for public pedestrian use over the secondary active link proposed through the site from West 39th Avenue to the lane.
- 2.3 Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided. 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. 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 Aplin & Martin Consultants Ltd. dated February 14, 2022, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 150mm along W 39th Ave. Should the development require water service connections larger than 150mm, 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 427 West 39th Ave does not require any sewer upgrades.

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.

Note to Applicant: Development to be serviced to the existing 250 mm COMB sewer on W 39th Ave.

- (c) Provision of street improvements along West 39th Avenue adjacent to the site and appropriate transitions including the following:

- (i) 2.44 m (8.0 ft.) wide broom finish saw-cut concrete sidewalk;

- (d) 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.

- (e) Provision of new electrical service cabinet/kiosk on Alberta Street, if the existing BC Hydro infrastructure modification in the lane affects existing City service U0454SEBLR. The kiosk shall be fed by BC Hydro underground infrastructure as such right-of-way (ROW) space shall be provided on-site to accommodate BC Hydro pad mounted transformer.
- (f) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.
- (g) Provision of entire intersections lighting upgrade to current City standards and IESNA recommendations at Cambie Street and West 39th Avenue.
- (h) Provision of entire intersections lighting upgrade to current City standards and IESNA recommendations at Alberta Street and West 39th Avenue.
- (i) Provision of speed humps in the lane north of W 39th Ave between Alberta St and Cambie St.
- (j) Provision to reconstruct the laneway along the development site's frontage per City "Higher Zoned Lane" pavement structure specifications including;

- (i) Installation of a new catch basin in the lane at the eastern extent of the development site.
 - (ii) Installation of a new catch basin lead connecting to the storm main on Alberta St will be required in the laneway.
 - (k) Provision of lane lighting on standalone poles with underground ducts if BC Hydro poles with attached City lane lights are planned to be removed. The ducts must be connected to the existing City street lighting infrastructure.
 - (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.
- 2.4 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

Housing

- 2.5 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 Section 219 Covenant to secure all residential units as secured rental housing units, excluding Seniors Supportive or Assisted Housing, including at least 20 per cent of the residential floor area that is counted in the calculation of the floor space 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 or 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 60 years or the life of the building, whichever is greater;

- (e) 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:

Below-Market Rental Housing Type	Maximum Average Starting Rents (2017 rates prior annual adjustments)
Studio	\$950
1-bed	\$1,200
2-bed	\$1,600
3-bed	\$2,000

provided that, in accordance with section 2.1 of the Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements And Available Incentives Administration Bulletin, the maximum average initial starting monthly rents may be increased for the period between 2017 and the issuance of an Occupancy Permit by an amount not to exceed the annual allowable increase in rent permitted under the provisions of the Residential Tenancy Act and the Residential Tenancy Regulation and provided that the initial average starting monthly rents for each unit type will not exceed the amount set out under Section 3.1A(d) of the Vancouver DCL Bylaw No. 9755;

- (f) That the average size of each unit type is at or below the following limits, as set out in section 3.1A (c) of the Vancouver Development Cost Levy By-law:

Unit Type	Maximum Average Unit Size- Apartment	Maximum Average Unit Size- Townhouse*
Studio	42 sq. m (450 sq. ft.)	N/A
1-bed	56 sq. m (600 sq. ft.)	56 sq. m (600 sq. ft.)
2-bed	77 sq. m (830 sq. ft.)	90 sq. m (970 sq. ft.)
3-bed	97 sq. m (1,044 sq. ft.)	112 sq. m (1,205 sq. ft.)

* As of September 30, 2022, units of two or more storeys with internal stairways may add 4 sq. m (43 sq. ft.) to these maximums.

- (g) That a final rent roll is to be provided, prior to issuance of a development permit, and prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services which reflects the agreed initial monthly rents in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually to initial occupancy, as described above in subsection (e);
- (h) That following the issuance of an Occupancy Permit, rent increases for the below-market rental 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;

- (i) The applicant will verify eligibility of new tenants for the units secured at moderate income rates, based on the following:
 - (i) For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and
 - (ii) There should be at least one occupant per bedroom in the unit.
- (j) The applicant will verify the ongoing eligibility of existing tenants in the units secured at moderate income rates every five (5) years after initial occupancy:
 - (i) For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and
 - (ii) There should be at least one occupant per bedroom in the unit.
- (k) On 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 rental housing 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 rental units, and a summary of the results of eligibility testing for these units; and
- (l) 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.

- 2.6 If eligible tenants are identified to be residing on the site, the applicant will deliver a Tenant Relocation Plan to the satisfaction of the General Manager Planning, Urban Design and Sustainability and will enter into a 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:
- (a) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design and Sustainability as per the Tenant Relocation and Protection Policy;
 - (b) Provide a notarized declaration that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each tenant summarizing the Tenant Relocation Plan offer and signed as received by each tenant; and

- (c) Provide a Final Tenant Relocation Report prior to issuance of the Occupancy Permit. The Report must outline the names of tenants; indicate the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.

Sustainability

- 2.7 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.

Public Art

- 2.9 Execute an agreement satisfactory to the Directors of Legal Services and Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program Manager.

Note to Applicant: Please call Eric Fredericksen, Public Art Program Manager, 604-871-6002, to discuss your application.

Environmental Contamination

- 2.10 If 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 constructed on the site 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: 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 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-laws, 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.

* * * * *

427-449 West 39th Avenue
DRAFT CONSEQUENTIAL AMENDMENT

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 properties from the RS-1, RS-3, RS-3A, RS-5 and RS-6 maps forming part of Schedule A of the Subdivision By-law:

- (a) PID 010-681-884; Lot 10 Block 854 District Lot 526 Plan 7240;
- (b) PID 010-681-876; Lot 9 Block 854 District Lot 526 Plan 7240; and
- (c) PID 010-681-841; Lot 8 Block 854 District Lot 526 Plan 7240.

* * * * *

427-449 West 39th Avenue
ADDITIONAL INFORMATION

1. URBAN DESIGN PANEL MINUTES

The Urban Design Panel (UDP) reviewed this application on May 25, 2022. A summary of the decision is provided below. The full meeting minutes can be found [online](#):

EVALUATION: Support with Recommendations (6/1)

Introduction: Rezoning Planner Robert White, provided an overview of the policy for this site. Development Planner, Ryan Dinh then gave an overview of the urban design considerations.

1. Height, density and overall massing, in particular the proposed high-rise typology.
2. The 15% increase of floor plate size for the first four storeys.

The Applicant then gave an overview of their rezoning rational for the proposal. Staff and Applicant team then took questions from the panel.

Panel's Consensus:

Having reviewed the project, it was moved by MS. KOEHN and seconded by MR. ROMSES and was the decision of the Urban Design Panel:

THAT the Panel Recommend Support with recommendations to the project with the following recommendations to be reviewed by City staff:

1. Design development of the interior to exterior relationship of lobby, gym, and rooftop amenity areas.
2. Design development of exterior materiality including balconies, soffits, guards and cladding.

2. PUBLIC ENGAGEMENT SUMMARY

2.1 List of Engagement Events, Notification, and Responses

	Date	Results
Event		
Virtual open house (City-led)	May 16, 2022 – June 5, 2022	128 participants (aware)* <ul style="list-style-type: none"> • 53 informed • 11 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	May 12, 2022	1,506 notices mailed
Public Responses		
Online questions	May 16, 2022 – June 5, 2022	1 submittal
Online comment forms <ul style="list-style-type: none"> • Shape Your City platform 	May 2022 – February 2023	26 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	May 2022 – February 2023	26 submittals <ul style="list-style-type: none"> • 11 responses • 14 responses • 1 responses
Other input	May 2022 – February 2023	1 submittal
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	May 2022 – February 2023	592 participants (aware)* <ul style="list-style-type: none"> • 226 informed • 27 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.

2.2 Map of Notification Area



2.3 Analysis of All Comments Received

Generally, comments of support fell within the following areas:

- **Building design:** The design of the building is nice. Good to see space for gathering.
- **Density:** The proposed density is appropriate.
- **Housing stock and rental housing:** Increasing housing stock and rentals is needed.
- **Location:** Location of the proposal is good given its proximity to transit (Canada line station and bus routes) and community spaces eg. Queen Elizabeth Park. This will allow residents to walk and reduce their carbon footprint.
- **Process:** The proposal is appropriate as it meets the intent of the policy.

Generally, comments of concern fell within the following areas:

- **Neighbourhood context and height:** The height of the proposed development is too tall and does not fit in with the single-family homes in the community. The tower will block existing views of the surrounding buildings.
- **Parking:** There are not enough vehicle parking spaces proposed for the development. Vehicles from the building will spill over onto the local streets and take away street parking in the neighbourhood.

Miscellaneous comments were received and were not ranked as highly as above.

General comments of support:

- Below market rental units are good.

General neutral comments/recommendations:

- The rezoning and development process is too long.
- The proposal should be 6-8 storeys.
- Would like to see an area for children and better use of rooftop space (eg. indoor amenity space).

* * * * *

427-449 West 39th Avenue
FORM OF DEVELOPMENT

Site Plan



Ground Floor Plan



Perspective – View from West 39th Avenue (South Elevation)



Perspective – View from Active Link (West Elevation)



Perspective – View from the lane (North Elevation)



Perspective – View from the Alberta Street (East Elevation)



**Residential Floor Plans
(Levels 3-4 on Left and Levels 6-18 on Right)**



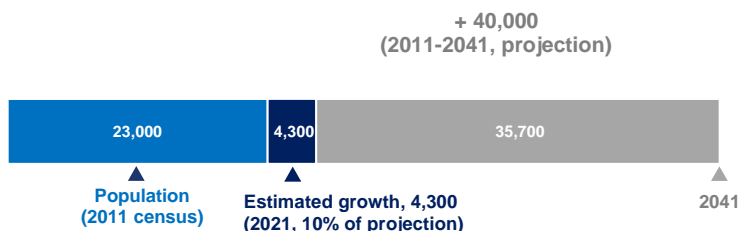
Perspective View – From West 39th Avenue



PUBLIC BENEFITS IMPLEMENTATION DASHBOARD
CAMBIE CORRIDOR PLAN (2018) – North of 57th Avenue
Updated 2021 year-end

POPULATION GROWTH^a

The Cambie Corridor has grown by approximately **4,300** people since the 2011 census. The plan projects an additional growth of approximately **35,700** people by 2041.

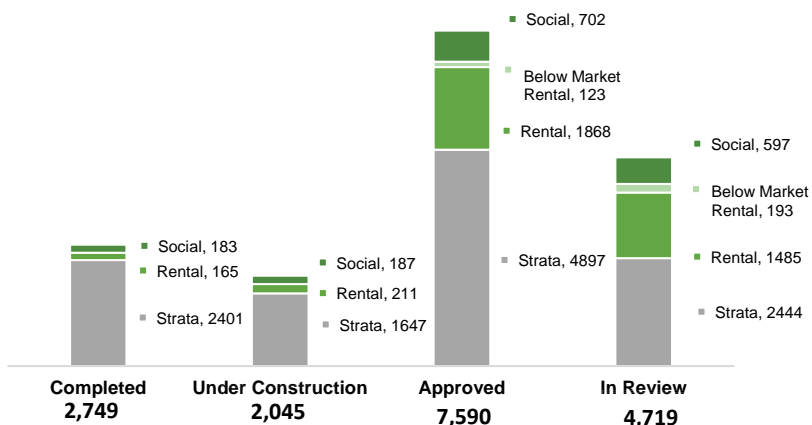


DEVELOPMENT ACTIVITY (UNITS)^b

Recent rezoning approvals:

- [277-291 West 42nd Avenue](#)
- [7969-7989 Cambie Street](#)
- [3353 Cambie Street](#)
- [5412 Cambie Street](#)
- [485 W 28th Avenue](#)
- [325-341 West 42nd Avenue](#)

**This list does not include any townhouse developments under the RM-8A/AN Districts Schedule*



PUBLIC BENEFITS ACHIEVED AND IN PROGRESS (North of 57th Avenue)^c

- ✓ On track to achieving targets
 ➔ Some progress toward targets, more work required
 ○ Targets require attention

TARGETS	COMPLETED	UNDER CONSTRUCTION	PLANNING/ DESIGN	PROGRESS
See Chapter 13 of the Cambie Corridor Plan for more details				
<p>HOUSING^d</p> <ul style="list-style-type: none"> • ~ 4,700 additional secured market rental units • ~ 2,250 social housing units • ~ 400 additional below-market units (gross numbers of units reported) 	<ul style="list-style-type: none"> • 165 secured market rental units • 85 social housing units • 98 TMH^e 	<ul style="list-style-type: none"> • 221 secured market rental units • 187 social housing units 		<p>8% of secured rental target achieved</p> <p>12% of social housing target achieved</p> <div style="text-align: right; color: red; font-size: 2em;">○</div>
<p>CHILDCARE</p> <ul style="list-style-type: none"> • ~ 1,080 spaces for all age groups 	<ul style="list-style-type: none"> • Restoration of 8 Oaks Acorn childcare outdoor area 	<ul style="list-style-type: none"> • 138 spaces for 0-4 yrs children (Oakridge Civic Centre, Eric Hamber Secondary School) • 60 spaces for 5-12 yrs children (Oakridge Civic Centre) 		<p>18% of childcare spaces target achieved</p> <div style="text-align: right; color: orange; font-size: 2em;">➔</div>
<p>TRANSPORTATION / PUBLIC REALM</p> <ul style="list-style-type: none"> • Upgrade/expand walking and cycling networks • Complete Street design on Cambie St and major streets • "Car-light" Heather St Greenway 	<ul style="list-style-type: none"> • 45th Avenue Bikeway improvements • Interim Plazas (Cambie Street & 17th Avenue, Cambie Street & 18th Avenue) • 29th Avenue & Cambie Street Plaza and Public Art • R4 Rapid Bus on 41st Avenue • Cambie Complete Streets (35th Avenue to McGuigan Avenue) • Ontario and 16th curbside bulge bio-retention • Oak Street and 27th Avenue pedestrian and bike signal • Eastbound Complete Street on W King Edward (Yukon to Columbia) & 	<ul style="list-style-type: none"> • King Edward Avenue Complete Street (Yukon to Columbia streets) 	<ul style="list-style-type: none"> • 54th Avenue Curbside Bulge bio-retention upgrade • Cambie Street and 31st Avenue closure • Alberta St transportation and green rainwater infrastructure upgrades • 49th Avenue transportation upgrades 	✓

	improved crossing at W King Edward Avenue / Yukon Street			
TARGETS <small>See Chapter 13 of the Cambie Corridor Plan for more details</small>	COMPLETED	UNDER CONSTRUCTION	PLANNING/ DESIGN	PROGRESS
CULTURE • 5 new artist studios	Five public art installations	• Cultural space, performance theatre, outdoor performance space at Oakridge Civic Centre	• 12 public art installations	✓
CIVIC / COMMUNITY • Oakridge Civic Centre • Oakridge Library renewal and expansion • Additional library branch • Hillcrest Community Centre (fitness centre expansion) • Firehall #23 • Community Policing Centre		• Oakridge Civic Centre (seniors centre, youth centre, childcare, library, community centre)	• VanDusen & Bloedel Strategic Plan	✓
HERITAGE • 5% allocation from cash community amenity contributions in Cambie Corridor	• James Residence • Milton Wong Residence • 5% allocation from cash community amenity contributions	• Turner Dairy retention		✓
SOCIAL FACILITIES • Expansion of Oakridge Seniors Ctr • Youth Hub • Non-profit organization centre • Additional Seniors' Centre		• Oakridge Seniors Centre and Youth Centre		✓
PARKS AND OPEN SPACES • New parks on large sites • Queen Elizabeth Plan and upgrades • 6 plazas and enhanced open • Neighbourhood park improvements	• Upgrades to Riley Park and Hillcrest Park • Lillian To Park (17th Avenue and Yukon Street) • Playground renewal at Douglas Park • Queen Elizabeth Park tennis court resurfacing	• Oakridge Centre Park	• Alberta Street Blue-Green System and Columbia Park Renewal • Queen Elizabeth Plan • Heather Park dog area • Little Mountain Plaza and Wedge Park	✓

EXPLANATORY NOTES

The Public Benefits Implementation Dashboard assists in monitoring progress toward the delivery of public benefits anticipated from the community plans. Data in this tracker reflects activity within the plan boundaries (and significant public benefits adjacent to the plan area) since Plan approval.

^a **Population Growth:** Growth is calculated by taking the difference between the latest census year and the base population and adding an estimate based on floor area completed between the latest census and the present quarter.

^b **Development Activity:** The Development Activity Chart includes Building Permits, Development Permits, and rezoning applications:

- Completed: Occupancy Permit issuance
- Under Construction: Building Permit issuance
- Approved: Approved Rezoning Applications and Development Permits submitted without a rezoning
- In review: In Review Rezoning Applications and Development Permits submitted without a rezoning

^c **Public Benefits Achieved:** Public benefits in planning/design typically include large City- or partner-led projects or master plans that have begun a public process or have made significant progress in planning or design stages, but have not yet moved to construction. Public benefits secured through developer-initiated applications are not included in the planning/design column and not counted towards public benefits achieved prior to construction as numbers and status may change throughout the permitting process.

^d **Housing - Planning/Design:** Housing units in developer-initiated applications are not included in the planning/design column and not counted towards public benefits achieved prior to construction as numbers and status may change throughout the permitting process.

^e **Temporary Modular Housing (TMH):** are modular homes that provide supportive housing services to residents with low and moderate incomes who have a need for transitional housing. See the [Housing Vancouver webpage](#) for more information. These 98 social housing units are temporary modular housing that were not anticipated in the Cambie Corridor Plan; therefore, they do not count towards the Plan's housing goal.

* * * * *

**427-449 West 39th Avenue
PUBLIC BENEFITS SUMMARY**

Project Summary

18-storey building containing 176 secured-rental residential units, with 20% of the floor area at below-market rental units.

Public Benefit Summary:

The proposal offers 176 secured-rental housing units with 20% of the floor as below-market rental, a DCL payment, and public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	RS-1	CD-1
FSR (site area of 4341.7 sq. m. (46,733 sq. ft.))	0.70	6.10
Buildable Floor Space	1,239 sq. m (13,336 sq. ft.)	10,797 sq. m (116,218 sq. ft.)
Land Use	Residential	Residential

Summary of Development Contributions Expected under Proposed Zoning

City-wide DCL ^{1, 2}	\$0
Utilities DCL ¹	\$1,382,994
Public Art ³	\$230,112
TOTAL	\$1,613,106

Other Benefits (non-quantified components): 176 secured-market rental units including 20% of the floor area as below-market rental units with rental rates and operating requirements in accordance with the *Moderate Income Rental Housing Program*.

¹ Based on DCL by-laws and rates in effect as at September 30, 2022. By-laws 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 and the floor area proposed at the development permit stage. A development may qualify for 12 months of in-stream rate protection, per the DCL Bulletin.

² The applicant has requested a DCL waiver for the residential floor area of the proposal and will be subject to the maximum average unit sizes for “for-profit affordable rental housing” and maximum average rents by unit type for the below-market units, in accordance with the DCL By-law, as secured by an amendment to the Housing Agreement. The value of the City-wide DCL waiver on the residential floor area is approximately \$2,326,684.

³ Based on 2016 rates, subject to adjustments per the *Public Art Policy and Procedures for Rezoned Developments*.

* * * * *

**427-449 West 39th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Property Information

Address	Property Identifier (PID)	Legal Description
427 West 39th Avenue	010-681-884	Lot 10 Block 854 District Lot 526 Plan 7240
437 West 39th Avenue	010-681-876	Lot 9 Block 854 District Lot 526 Plan 7240
449 West 39th Avenue	010-681-841	Lot 8 Block 854 District Lot 526 Plan 7240

Applicant Information

Applicant	Gracorp Properties LP
Architect	Musson Cattell Mackey Partnership
Property Owner	W39 Investment Holdings Ltd.

Site Statistics

Site Area	1,770 sq. m (19,052 sq. ft.)
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Development Statistics

	Permitted Under Existing Zoning	Development Permitted Under Proposed Zoning																																		
Zoning	RS-1	CD-1																																		
Uses	Residential	Multiple Dwelling (Residential)																																		
Maximum Density	0.70 FSR	6.10 FSR																																		
Floor Area	1,239 sq. m (13,336 sq. ft.)	Up to 10,797 sq. m (116,218 sq. ft.)																																		
Height	10.7 m (35.1 ft.)	Top of parapet: 55 m (180 ft.) Top of appurtenances: 61.3 m (197 ft.)																																		
Unit Mix	n/a	<table border="1"> <thead> <tr> <th rowspan="2">Type</th> <th colspan="2">Market Rental</th> <th colspan="2">Below-Market Rental</th> </tr> <tr> <th>Count</th> <th>Percentage</th> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>28</td> <td>19.7%</td> <td>3</td> <td>8.8%</td> </tr> <tr> <td>1-bed</td> <td>56</td> <td>39.4%</td> <td>18</td> <td>52.9%</td> </tr> <tr> <td>2-bed</td> <td>55</td> <td>38.7%</td> <td>7</td> <td>20.5%</td> </tr> <tr> <td>3-bed</td> <td>3</td> <td>2.1%</td> <td>6</td> <td>17.6%</td> </tr> <tr> <td>Total</td> <td>142</td> <td>100%</td> <td>34</td> <td>100%</td> </tr> </tbody> </table>	Type	Market Rental		Below-Market Rental		Count	Percentage	Count	Percentage	Studio	28	19.7%	3	8.8%	1-bed	56	39.4%	18	52.9%	2-bed	55	38.7%	7	20.5%	3-bed	3	2.1%	6	17.6%	Total	142	100%	34	100%
		Type		Market Rental		Below-Market Rental																														
			Count	Percentage	Count	Percentage																														
		Studio	28	19.7%	3	8.8%																														
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3-bed	3	2.1%	6	17.6%																																
Total	142	100%	34	100%																																
Parking, Loading and Bicycle Spaces	as per Parking By-law	as per Parking By-law Confirmed at the development permit stage																																		
Natural Assets	5 City trees 18 on- and off-site trees	5 retained City street trees 14 on-site and 0 off-site trees to be removed 40 new on- and off-site trees Confirmed at the development permit stage																																		

* * * * *