



REFERRAL REPORT

Report Date: August 29, 2023
Contact: Yardley McNeill
Contact No.: 604.873.7582
RTS No.: 15928
VanRIMS No.: 08-2000-20
Meeting Date: September 12, 2023

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: Rezoning: 2753-2769 East 49th 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-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT the application by Vertex DC Ventures Inc., on behalf of 1377570 B.C. Ltd.¹, the registered owner of the lands located at 2753, 2761, and 2769 East 49th Avenue [Lot 6, 7, and 8, Block 9 North West ¼ of District Lot 337 Plan 8117; PIDs 010-240-144, 010-240-179 and 010-240-250 respectively], to rezone a consolidation of the above properties from RS-1 (Residential) District to RR-2B (Residential Rental) District, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

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

¹ Represented by Vertex DC Development Corp.

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 zoning amendment by-law, the Subdivision By-law be amended generally as set out in Appendix C;

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

- D. THAT Recommendations A and 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 bylaw 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 recommends a plan amendment to the Zoning and Development By-law from RS-1 (Residential) District to RR-2B (Residential Rental) District, for the site located at 2753-2769 East 49th Avenue. The amendment would allow for a five-storey rental building in accordance with the *Secured Rental Policy* (“SRP”). An estimated total of 71 secured-rental units would be delivered through this application.

A future building design would be submitted through the development permit process and reviewed with the public at that time.

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

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Relevant Council policies for this site include:

- Vancouver Plan (2022)
- Secured Rental Policy (2012, last amended 2023)
- RR-2B District Schedule (2021)
- Rental District Schedules Design Guidelines (2022)

- Housing Vancouver Strategy (2018)
- Housing Needs Report (2022)
- Tenant Relocation and Protection Policy (2019, last amended 2023)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992, last amended 2022)
- Green Buildings Policy for Rezoning (2010, last amended 2023)
- Urban Forest Strategy (2014, amended 2018)
- Latecomer Policy (2021)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183

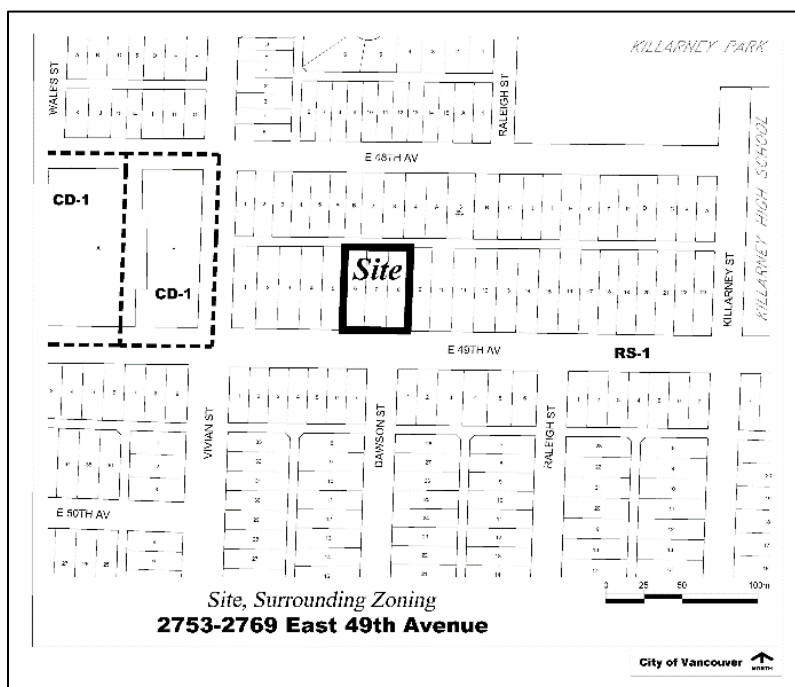
REPORT

Background/Context

1. Site and Context

The subject site at 2753-2769 East 49th Avenue (see Figure 1) is comprised of three legal parcels fronting 49th Avenue. The total site area is approximately 2,353 sq. m (25,327 sq. ft.), with a frontage of 43 m (141 ft.) along East 49th Avenue and a depth of 54.5 m (179 ft.).

Figure 1: Location Map – Site and Context



This property and the surrounding area are zoned for residential uses under RS and RM District Schedules with the exception of the CD-1 zoned area to the west that allows Commercial, Seniors Supportive Housing and Apartment uses. The site is currently zoned RS-1 and developed with three single-detached homes constructed in 1950, 1951, and 1953. The properties are not listed on the *Vancouver Heritage Register*. The property contains two rental tenancies and the tenant protection policy does apply.

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 approved *Vancouver Plan* will serve as a framework with further implementation planning work to follow over the next two to four years. The proposal addresses priorities within the *Housing Vancouver Strategy* which aligns with the *Vancouver Plan*.

Secured Rental Policy (“SRP”) – The *SRP* encourages the construction of new purpose-built rental housing in Vancouver. Updates to the *SRP* were approved by Council in December, 2021 to streamline the delivery of new rental housing. These included clarifying opportunities for rezoning in low-density areas close to public transit, shopping and other daily needs, and to streamline and simplify the rezoning process by utilizing new rental zones with standardized regulations.

The *SRP* outlines the following locational eligibility criteria for sites in low-density areas:

- In an existing RS or RT zone outside of recent community plan areas (excluding certain RT-zoned areas in Kitsilano and Kensington-Cedar Cottage with high proportions of heritage buildings and multiple conversion dwellings);
- Located within close proximity to public transit and local shopping; and
- On the first full block on either side of an eligible arterial road.

Sites that meet these criteria and that are part of the typical street grid (including having lane or secondary street access to the rear) and are regular in shape, size and other attributes may be considered for rezoning under the *SRP* to one of the new residential rental zones. The applicable option or options are further informed by the site’s size, orientation and adjacent context.

The *SRP* generally supports up to four-storey mixed-use and five-storey residential apartments on arterials, and up to four-storey townhouses or apartments on sites off arterials. Up to six-storeys may be considered for projects on arterials where the residential component includes a minimum 20% permanently secured below-market rental housing or 100% social housing. This application complies with the location criteria under *SRP* for five-storey buildings.

RR Zoning District Schedules and Design Guidelines – Along with updates to the *SRP*, in December 2021 Council approved the addition of new residential rental (“RR”) zoning district schedules to the Zoning & Development By-law: “RR-1”, “RR-2A, RR-2B and RR-2C”, and “RR-3A and RR-3B”. Like other standard zoning districts, the RR zones set basic regulations such as permitted use, density, and height limits, while allowing for a range of building designs. All residential uses in the RR zones are secured as rental tenure, and no stratification or sale of individual residential units is allowed.

Further direction on form of development expectations under each of the RR zones is provided in the *Residential Rental Districts Schedules Design Guidelines*. Recognizing that the *SRP* and RR zones are intended to enable incremental change in neighbourhoods that currently consist primarily of detached houses and duplexes, the guidelines support new missing middle buildings that foster neighbourliness and social connection, and contribute to an evolving streetscape which accommodates more architectural variety and diversity of housing options.

Housing Vancouver Strategy – In November 2017, Council approved the *Housing Vancouver Strategy* (2018-2027). The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The Housing Vancouver targets were based on the core goals of retaining the diversity of incomes and households in the city, shifting housing production towards rental to meet the greatest need, and coordinating action with government and non-profit partners to deliver housing for the lowest income households.

Overall, 72,000 new homes are targeted for the 10-year period, including 12,000 social, supportive and non-profit co-operative units and 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.

Housing Needs Report (2022) – On April 27th, 2022, Council resolved at a public meeting to receive a [Housing Needs Report](#) (HNR) prepared by staff. Further to the BC Provincial government's requirement, Council must consider their most recent HNR when developing a development plan, or when amending a development plan in relation to Council's housing policies respecting affordable housing, rental housing and special needs housing.

This zoning amendment would facilitate the delivery of secured rental housing and address the data and findings within the HNR.

Strategic Analysis

1. Simplified Rezoning Process

To facilitate the delivery of secured-rental units, the City has implemented a simplified process for owner-initiated rezonings to a RR District schedule. Rather than rezoning to a site-specific Comprehensive Development (CD-1) District, rezoning to a standard RR zone streamlines the review process and provides greater certainty for the achievable built form.

Under the *SRP*, this site is located on an eligible arterial road and is able to rezone under the RR-1 (four-storey), RR-2A (four-storey), RR-2B (five-storey) and RR-2C (six-storey with 20% of residential floor area secured as below-market rental units) zones. This site is eligible for a mixed-use development. Out of the eligible options, the applicant has chosen to rezone to RR-2B.

The RR-2B District Schedule permits rental buildings up to five-storeys in height and 2.20 FSR. This zoning requires a minimum frontage of 20.1 m (66 ft.). On some shallow sites and corner sites with a minimum frontage of 40.2 m (132 ft.), a density of up to 2.40 applies for sites on arterials. The zoning also requires 35% of the units to be for families and include two bedrooms or more. Applicable to sites on arterials and on local streets flanking an arterial, five-storey apartment buildings will introduce incremental change to local streets and will typically be limited in frontage width to achieve a higher degree of compatibility with the existing streetscape.

The rezoning process allows for a secured-rental development through a streamlined process. Architectural drawings are not required at the rezoning application stage. The form of development will be reviewed at the development permit stage. All proposals will need to meet the intent and regulations of the RR-2B District. An Urban Design Panel review will not be required for this project at the development permit stage, as comprehensive design guidelines accompany the RR-2B District Schedule.

2. Housing

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would support submission of a development permit for a new five-storey rental apartment building with stacked townhouses to the City's inventory of rental housing, which would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 2).

Figure 2: Progress Towards 10 Year Housing Vancouver Targets for Secured Market Rental Housing as of June 30, 2023

Housing Type	10-Year Targets *	Units Approved Towards Targets**
Purpose-Built Secured-Rental Units	20,000	15,280 (76%)

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

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

Vacancy Rates - Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2022, the purpose-built apartment vacancy rate was 0.9% in Vancouver. The vacancy rate (based on the Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the South-East Vancouver neighborhood neighbourhood, which this site is located, is 0.3%. A vacancy rate between 3% and 5% represents a balanced market.

Security of Tenure – Purpose-built rental housing offers secure rental tenure. The proposed RR-2B zoning designation would only permit residential uses that are secured as Residential Rental Tenure, and no strata or other ownership tenure residential units would be permitted. In addition, all units in the project would be secured through a Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units. Conditions related to securing the units are contained in Appendix B.

Tenants – The rezoning site contains two existing secondary rental residential units and both are eligible under the City's *Tenant Relocation and Protection Policy (TRPP)*. The applicant has provided a Tenant Relocation Plan (TRP) for eligible tenants which meets the requirements of the City's *TRPP*, which is summarised in Appendix D of this report. All residential tenancies are protected under the provincial Residential Tenancy Act.

3. Transportation and Parking

Parking, loading and bicycle spaces must be provided and maintained according to the Parking By-law and will be reviewed at time of development permit application when architectural drawings are submitted.

Through this application, conditions of approval include street improvements consisting of new sidewalks and traffic signal upgrades. Local servicing requirements will be secured through a services agreement. Engineering conditions are included in Appendix B.

4. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezoning*s requires that rezoning applications satisfy the green and resilient building conditions stated within the Policy.

The applicant has committed to submitting Reporting of Green and Resilient Building Measures at the building permit stage, as well as fulfilling energy system sub-metering and enhanced commissioning requirements throughout the project.

Green Assets – The *Urban Forest Strategy* was developed to preserve, protect and strengthen Vancouver’s urban forest and tree canopy for the future. The Protection of Trees By-law aims to maintain a healthy urban forest by requiring that permission be granted to remove trees that meet certain conditions. The intent is to protect as many healthy, viable trees as possible, while still meeting the challenges of development, housing priorities and densification. This is in keeping with City goals for resilient and healthy natural systems in urban areas.

A detailed tree assessment and retention report will be required as part of a subsequent development permit application. Staff will review these materials and provide conditions to retain and protect trees, wherever possible. This process allows for a coordinated assessment of tree retention and replacement with the proposed form of development.

5. Public Input

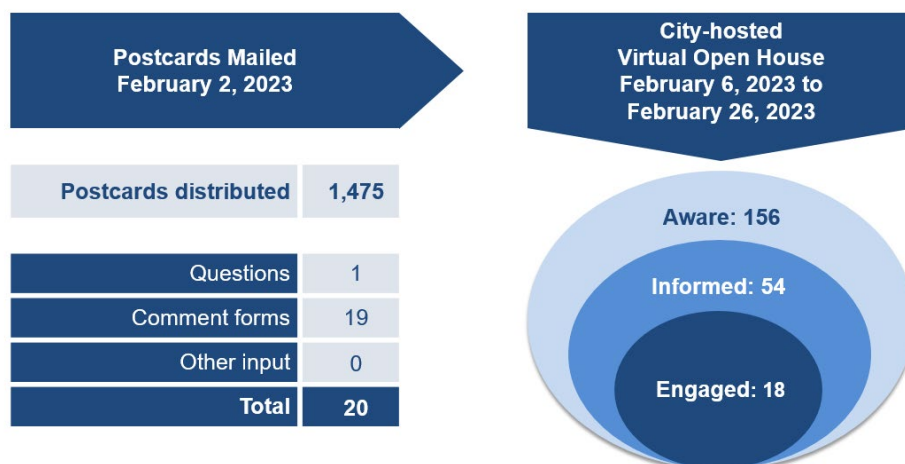
A rezoning information sign was installed on the site on January 25, 2023. Approximately 1,475 notification postcards were distributed within the neighbouring area on or about February 3, 2023 Notification and application information, and an online comment form, was provided on the City’s Shape Your City Vancouver (shapeyourcity.ca/) platform.

For a more detailed summary of public comments and the *SRP* consultation process and background, see Appendix E.

Virtual Open House – A virtual open house was held from February 6, 2023 to February 26, 2023 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. 156 people signed onto the project webpage to view the rezoning proposal including a hypothetical building example.

Public Response and Comments – Public input was via online questions, comment forms, by email and phone. A total of 20 submissions were received. A summary of all public responses may be found in Appendix E.

Figure 3: Overview of Notification and Engagement



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

Generally, comments of support fell within the following areas:

- **Height, massing and use:** Support for the height, massing and use of the application.
- **Housing supply:** Support for an increase in housing supply. The development will provide options for seniors in the neighbourhood looking to downsize and for staff working at the local nursing home.
- General support for the application.

Generally, comments of concern fell within the following areas:

- **Height and density:** A five-storey building mid-block in an area generally made up of single family homes and low-rises is not appropriate. The block is already dense, extra density not preferred.
- **Street parking:** Street parking in the area is limited because parking on East 49th Avenue is not permitted during peak hours and the adjacent nursing home staff occupy much of the street parking. Vehicles from residents of the development could create overflow onto local streets and make it difficult to find parking.

Response to Public Comments

Height, massing, density, location, and design: The proposed RR-2B zone permits up to five storeys on this arterial and is consistent with the *Secured Rental Policy*. During the development of the Residential Rental (RR) district schedules, staff analyzed the suitability of various apartment forms, including shadow impacts on adjacent properties. This analysis is reflected in the regulations contained in the RR district schedules. During the development permit stage, staff will review the specific form of development and shadow studies, as per Council approved amendments to the *Secured Rental Policy* to allow simplified rezonings in low-density areas and the accompanying design guidelines.

Parking and transportation: Off-street parking as per the Parking By-law will be required at the development permit stage. There currently are no on-street parking restrictions within the immediate area.

6. Public Benefits

Community Amenity Contributions (CAC) – The *Community Amenity Contributions Policy for Rezonings* provides an exemption for certain routine, lower-density secured market rental rezoning applications that comply with the City's rental policies. As this site is currently zoned RS-1 and proposes to rezone to RR-2B which only allows for up to five storeys, the application is eligible for this CAC exemption.

Development Cost Levies (DCLs) – This site is currently subject to both 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. This application was eligible for a waiver of a portion of the City-wide DCLs, however the applicant has elected not to seek the waiver. As per Section 3.1B of the Vancouver Development Cost Levy By-law, the decision to seek the waiver is made at the rezoning application stage. Should the applicant wish to request a DCL waiver at a later stage, the application would be expected to return to Council for a subsequent public hearing to amend the rezoning conditions.

Based on the rates in effect as of September 30, 2022, it is estimated that the project will pay \$1,778,163 of DCLs, should it achieve the maximum 2.20 FSR.

Public Art Program – No public art contribution is applicable to this rezoning as the proposed floor area is below the minimum threshold.

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

A summary of public benefits associated with this application can be found in Appendix F.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Staff have reviewed the application to rezone 2753-2769 East 49th Avenue from RS-1 to RR-2B to facilitate the delivery of secured-rental housing. The location complies with the provisions of the RR-2B District Schedule, and staff conclude the zoning amendment can be considered as it is consistent with the *Secured Rental Policy* and advances the City's housing policy goals. The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to a Public Hearing with a recommendation that, subject to the Public Hearing, the rezoning application be approved in principle, subject to the applicant fulfilling the Conditions of Approval in Appendix B.

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**2753-2769 East 49th Avenue
PROPOSED BY-LAW AMENDMENTS**

Note: A By-law to rezone an area to RR-2B will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Zoning District Plan Amendment

1. This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D of By-law No. 3575.
2. The area shown within the heavy black outline on Schedule A is rezoned and moved from the RS-1 District Schedule to the RR-2B District Schedule.



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2753-2769 East 49th Avenue
CONDITIONS OF APPROVAL

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

PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:

Sustainability

- 1.1 All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended July 25, 2023) located here <https://guidelines.vancouver.ca/policy-green-buildings-for-rezonings.pdf>

The project is also required to meet the green building requirements of the Secured Rental Policy (last amended March 2022).

Note to Applicant: Refer to the most recent bulletin *Green Buildings Policy for Rezoning – Process and Requirements*.

Housing

- 1.2 The design and layout of at least 35% of the dwelling units must:
- (a) be suitable for family housing; and
 - (b) include two or more bedrooms.
- 1.3 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 appropriate in size for the scale of the project, 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).

Engineering

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- 1.4 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (City of Vancouver Design Guidelines, Construction Standards and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site prior to building permit issuance, if shotcrete will be required for the 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 Occupancy Permit issuance. Please contact Engineering Services at shoringreview@vancouver.ca for details.

<https://vancouver.ca/streets-transportation/street-design-construction-resources.aspx>

<https://vancouver.ca/home-property-development/construction-street-use-permits.aspx#shoring-and-excavation>

- 1.5 The owner or representative is advised to contact Engineering Services at StreetUseReview@vancouver.ca to acquire the project's permissible street use after Building Permit issuance.

Note to Applicant: Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.

<https://vancouver.ca/home-property-development/construction-street-use-permits.aspx>

- 1.6 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.
- 1.7 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.
- 1.8 Submission to Engineering of an updated landscape plan reflecting all of the public realm changes, including demonstration of:
 - (a) display of the following notes:
 - (i) "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."

- (ii) "Tree species, final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil volumes. Root barriers shall be of rigid construction, 8 feet long and 18 inches deep, centre on each street tree adjacent to the sidewalk and any off street bike facility. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion".
- (b) existing locations of:
 - (i) street furniture; and
 - (ii) poles and guy wires.
- (c) deletion of:
 - (i) existing stairs, concrete entrance walkways, fences, hedges, retaining walls and other encroachments from the City boulevard along E 49th Ave.

Note to Applicant: Where a design detail is not available, make note of the improvement on the plan. Public realm changes include all of the off-site improvements sought for this rezoning. The Streets Design Guidelines are viewable online at <https://vancouver.ca/streets-transportation/streetscape-design-guidelines.aspx> and are to be used alongside the City construction and design manuals.

1.9 Design development to improve access and design of bicycle parking by:

- (a) indication of stair-free access route from Class A bicycle storage to reach the outside.

Note to Applicant: Stair ramps are not generally acceptable.

1.10 Provision of the following information as part of the architectural drawing submission at the Development Permit stage to facilitate a complete Transportation review:

- (a) Provide a complete tech table showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided.
- (b) Identify all types of parking and loading spaces by number and labelling individually.
- (c) Dimension all column encroachments into parking stalls.
- (d) Identify all columns in the parking layouts.
- (e) Dimension all typical parking spaces.
- (f) Dimension additional setbacks for parking spaces due to columns and walls.
- (g) Dimension manoeuvring aisles and the drive aisles at the parkade entrance and all gates.
- (h) Provide 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) Identify areas of minimum vertical clearances on parking levels.
- (j) Provide design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, accessible 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.

- 1.11 Developer's Engineer is to submit a sewer abandonment plan to the City that details 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 the issuance of the Sewer Permit.

- 1.12 A Key Plan shall be submitted by the applicant and approved by the City prior to any third party utility drawing submissions and third party utility service drawings will not be reviewed by the City until the Key Plan is defined and achieves the following objectives:

- (a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan <https://vancouver.ca/files/cov/engineering-design-manual.PDF>; and
- (b) All third party service lines to the development is to be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.

Note to Applicant: It is highly recommended that the applicant submit a Key Plan to the City for review as part of the building permit application. 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.

- 1.13 Provision of City supplied building grades and interpolated design elevations along the property line for the creation of a continuous building grade on both the Architectural and the Landscape plans prior to Development Permit issuance.

<https://vancouver.ca/home-property-development/building-grades-for-sidewalk-and-street-elevation.aspx>

- 1.14 Provision of three preconstruction surveys submitted to Streets Design over a period of three months, prior to Building Permit issuance.

Note to Applicant: The proposed development is in a peat region. The surveys are to include survey data from the proposed development site to a distance of 100 m radius, in 25 m increments. Provision of further monitoring surveys during and post construction will be required as necessary.

Prior to and during construction activities, the existing infrastructure at and adjacent to the development site shall be monitored to ensure the functionality of the existing infrastructure meets current City standards.

- 1.15 Prior to issuance of a Development Permit, provision of a Final Hydrogeological Study, to the General Manager of Engineering Services' and the Director of Planning's satisfaction, which addresses the requirements outlined in the Groundwater Management Bulletin.

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

- 1.16 This development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.

Additionally, the development is to provide water quality treatment for the first 24 mm of rainwater in a 24 hour period from the site to remove 80% Total Suspended Solids (TSS) by mass prior to discharge from the site, and to treat an additional 24 mm of rainwater in a 24 hour period to remove 80% TSS by mass prior to discharge from the site of all rainwater flowing from roads, driveways and parking lots.

Note to Applicant: The applicant will be required to demonstrate compliance with these requirements at the building permit application stage. See vancouver.ca/rainwater for more information.

PART 2: CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- 2.1 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the consolidation of Lots 6 to 8, Block 9, North West 1/4 of District Lot 337, Plan 8117 to create a single parcel.
- 2.2 Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the Services are provided all to the satisfaction of the General Manager of Engineering Services.

No development permit for the Rezoning Site, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit, as security for the Services, is provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. Except as explicitly provided for in Condition 2.3 (a), the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

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

- (a) Provision of adequate water service to meet the fire flow demands of the project. Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Aplin & Martin Consultants Ltd. dated September 14, 2022, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 300mm along E 49th Ave. The developer is responsible for 100% of the cost of the servicing. The maximum water service connection size is 300mm. The service connection cannot be located within a street intersection.

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 and in order to maintain acceptable sewer flow conditions, implementation of development(s) at 2753-2769 E 49th Ave require the development to be serviced to the existing 200 mm SAN sewers in E 49th Ave.; and

Note to Applicant: Implementation of development(s) at 2753-2769 E 49th Ave does not require any sewer upgrades.

- (c) Provision of street improvements along E 49th Ave. adjacent to the site and appropriate transitions, including:
- (i) minimum 1.83 m (6.0 ft.) wide front boulevard (measured from the back of the existing curb); and
 - (ii) 2.44 m (8.0 ft.) wide broom finish saw-cut concrete sidewalk.
- (d) Provision of improvements at the intersection of Vivian St. and E 49th Ave. including:
- (i) upgrades to the existing traffic signal including accessible pedestrian signals (APS).

Note to Applicant: These works constitute excess and/or extended services and will be subject to a latecomer agreement, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

- (e) Provision of laneway reconstruction along the development site's frontage per City "Higher-zoned Laneway" pavement structure specifications.
- (f) Provision of street trees where space permits.

Note to Applicant: Final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. Tree species to the approval of the City Arborist. Street tree planting to include appropriate soil volumes and approved root barriers of rigid construction, 8' long and 18" deep, centre on each street tree adjacent to the sidewalk and any off street bike facility.
- (g) Provision of installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.
- (h) Provision of street lighting improvements to the satisfaction of the General Manager of Engineering Services prior to building occupancy, including but not limited to:
 - (i) upgraded street lighting (roadway and sidewalk) to current City standards and IESNA recommendations;
 - (ii) lane lighting on standalone poles with underground ducts if BC Hydro poles with attached City lane lights are planned to be removed.
- (i) Provision of new or replacement duct bank adjacent to the development site that meets current City standard. Duct banks are to consist of electrical and communication ducts and cables, and connect to existing electrical and communication infrastructure.

Note to Applicant: The detailed Electrical Design will be required prior to the start of any associated electrical work to the satisfaction of the General Manager of Engineering Services, and, in conformance with the current City Engineering Design Manual, Construction Specifications, Standard Detail Drawing, Canadian Electrical Code and the Master Municipal Construction Documents.

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

- (a) upgrades to the existing traffic signal including accessible pedestrian signals (APS) per condition 2.2.(d).

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

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

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

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

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

- 2.5 Provision of written confirmation that all required electrical plants will be provided within private property.

Note to Applicant: 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.

For questions on this requirement, please contact Utilities Management Branch at 604-829-9447 or at umb@vancouver.ca.

Housing

- 2.6 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 a Section 219 Covenant to secure all residential units as secured market rental housing units, excluding Seniors Supportive or Assisted Housing, pursuant to the City's Secured Rental Policy, for a term equal to the longer of 60 years and the life of the building, subject to a no-separate-sales covenant and a no-stratification covenant, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require.

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

- 2.7 Enter into a Section 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* that is effective at the time of submission of the Development Permit Application.
 - (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.
 - (c) Provide an Interim Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design, and Sustainability prior to issuance of the Demolition Permit.

The Report must outline the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.

Note to Applicant: if a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.

- (d) Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design, and Sustainability 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.

Environmental Contamination

2.8 As applicable:

- (a) Submit a site disclosure statement to Environmental Services;
- (b) As required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
- (c) If required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements 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.

Note to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registerable charges pursuant to the Land Title Act. The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City. The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services. The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

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2753-2769 East 49th 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 maps forming part of Schedule A of the Subdivision By-law:

- (a) PID 010-240-144; Lot 6 Block 9 District Lot 337 Plan 8117;
- (b) PID 010-240-179; Lot 7 Block 9 District Lot 337 Plan 8117; and
- (c) PID 010-240-250; Lot 8 Block 9 District Lot 337 Plan 8117.

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2753-2769 East 49th Avenue
SUMMARY OF TENANT RELOCATION PLAN TERMS

TRP Requirements	Tenant Relocation Plan Offer
Financial Compensation	<ul style="list-style-type: none"> • Compensation in the form of free rent, a lump sum payment, or a combination of both, will be available for each unit eligible for Tenant Relocation Plan according to the following schedule: <ul style="list-style-type: none"> ○ 4 months' rent for tenancies up to 5 years; ○ 5 months' rent for tenancies over 5 years and up to 10 years; ○ 6 months' rent for tenancies over 10 years and up to 20 years; ○ 12 months' rent for tenancies over 20 years and up to 30 years; ○ 18 months' rent for tenancies over 30 years and up to 40 years; and ○ 24 months' rent for tenancies over 40 years.
Notice to End Tenancies	<ul style="list-style-type: none"> • Landlord to provide regular project updates to tenants throughout the development approvals process. • A minimum of four months' notice to end tenancy after all permits are issued is required (e.g. all development, building, and demolition permits in place).
Moving Expenses (flat rate or arrangement of an insured moving company)	<ul style="list-style-type: none"> • A flat rate of \$750 or \$1000 will be provided to all eligible tenants depending on the type of unit.
Assistance in Finding Alternate Accommodation (3 options)	<ul style="list-style-type: none"> • Staff have distributed tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver that best meet the tenants' identified priorities.
Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing	<ul style="list-style-type: none"> • For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.

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2753-2769 East 49th Avenue
PUBLIC CONSULTATION SUMMARY

1. Background of SRP Consultation

A review of the City’s previous rental incentive programs began in late 2018 and led to an updated *Secured Rental Policy* in November 2019. In that initial round of work, two in-person public open houses were held, pedestrian intercept surveys were undertaken and a Talk Vancouver survey was available, in addition to stakeholder and industry engagement and a survey of residents living in buildings created through City incentive programs. In the following phases of work, between March 2020 and August 2021, City of Vancouver staff engaged residents through in-person and online virtual information sessions, surveys, and stakeholder engagement meetings. This process included six in-person public information sessions (attended by over 800 residents), 10 stakeholder workshops, an online comment form (400 responses received), the Shape Your City project webpage (5,000 visitors), 2 online public information sessions (102 attendees), as well as public and development industry one-on-one sessions (attended by 18 residents and 15 industry representatives).

2. List of Engagement Events, Notification, and Responses

	Date	Results
Events		
Virtual open house (City-led)	February 6, 2023 – February 26, 2023	156 participants (aware)* <ul style="list-style-type: none"> • 54 informed • 18 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	February 3, 2023	1,475 notices mailed
Public Responses		
Online questions	February 6, 2023 – February 26, 2023	1 submittal
Online comment forms Shape Your City platform	January 2023 – June 2023	19 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	January 2023 – June 2023	19 submittals <ul style="list-style-type: none"> • 6 responses • 11 responses • 2 responses
Other input	January 2023 – June 2023	0 submittal

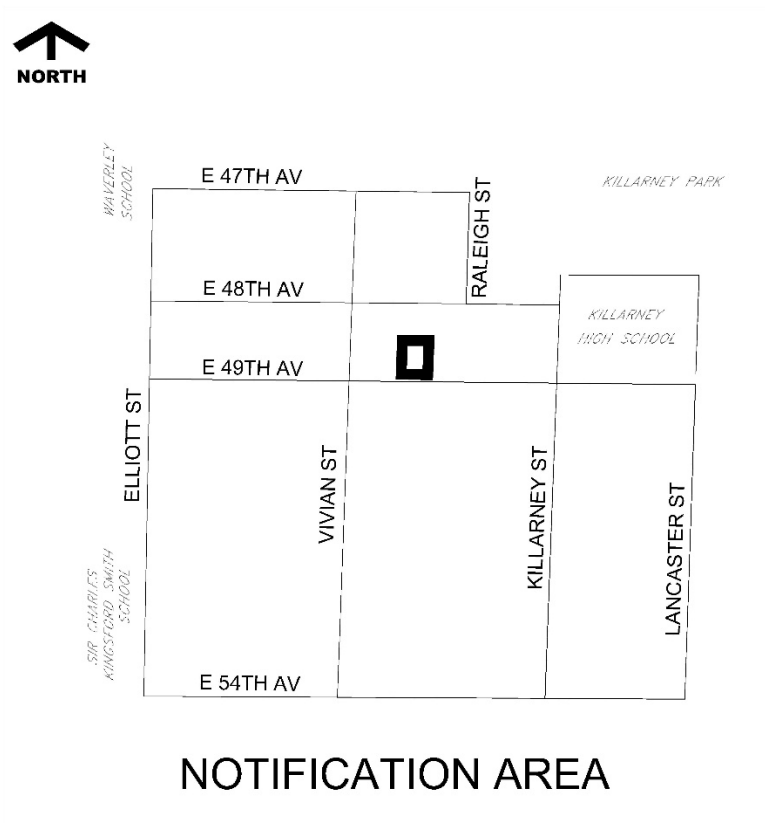
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	January 2023 – June 2023	345 participants (aware)* <ul style="list-style-type: none"> • 75 informed • 21 engaged

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.

3. Map of Notification Area



4. Analysis of All Comments Received

Below is an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Height, massing and use:** Support for the height, massing and use of the application.
- **Housing supply:** Support for an increase in housing supply. The development will provide options for seniors in the neighbourhood looking to downsize and for staff working at the local nursing home.
- General support for the application.

Generally, comments of concern fell within the following areas:

- **Height and density:** A 5-storey building mid-block in an area generally made up of single family homes and low-rises is not appropriate. The block is already dense, extra density not preferred.
- **Street parking:** Street parking in the area is limited because parking on 49th Avenue is not allowed during peak hours and nursing home staff take up street parking. Vehicles from residents of the development will overflow onto local streets and make it even harder to find parking spots.

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

General comments of support:

- Support for rezoning to an existing district schedule because it is more efficient than CD-1 rezonings.
- Increasing density on arterial roads is appropriate because residents can easily access frequent transit routes.

General comments of concern:

- Approving this proposal will set a precedent for more mid-rises in the neighbourhood.
- An increase in residents will put pressure on existing transit services. The current services are not enough for the community.
- The laneway is too narrow to accommodate an increase in residents. Consider consolidating more lots so there is more room for the development.

General neutral comments/recommendations:

- There should be below market rental units. Housing in Vancouver in general should be more affordable.
- These types of developments should be on arterial roads such as Knight Street and hubs like Oakridge, or developed in communities with existing low density such as the West Side. Developments that are less dense such as townhouses are more appropriate for this neighbourhood.
- The proposal does not provide enough information eg. number and size of units.
- The development can be denser and have less parking because there are amenities and a grocery store in the area that residents will not need to drive to.
- Consider including retail space at grade. The building should have amenities and a coffee shop or restaurant so residents do not have to travel far for these services.
- The intersection at Vivian Street and 49th Avenue should have dedicated bike lanes.

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2753-2769 East 49th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary

Rezoning to RR-2B District to facilitate a secured-rental housing.

Public Benefit Summary:

The project would provide secured market rental units and would generate a DCL contribution.

	Base Zoning	Proposed Zoning ¹
Zoning District	RS-1	RR-2B
FSR of Base Zoning and FSR of Base Density (site area = 2,353 sq. m (25,327 sq. ft.))	0.70	2.20
Floor Area	1,647 sq. m (17,729 sq. ft.)	5,175 sq. m (55,719 sq. ft.)
Land Use	Residential	Residential Rental

Summary of development contributions anticipated under proposed zoning

City-wide DCL ^{1,2}	\$1,115,376
Utilities DCL ¹	\$662,787
TOTAL	\$1,778,163

Other benefits (not-quantified components): All residential units to be rental housing (non-stratified) all secured for the longer of 60 years and the life of the building.

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

² This application is eligible for a waiver of the City-wide DCL, however the applicant has elected not to seek the waiver. As per Section 3.1B of the Vancouver Development Cost Levy By-law, the applicant's decision regarding the waiver for projects requiring rezoning is to be made at the rezoning application stage and the relevant requirements should be secured in the conditions of enactment. Should the applicant wish to request a DCL waiver at a later stage, the application would be expected to return to Council for a subsequent public hearing to amend the rezoning condition.

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**2753-2769 East 49th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Property Information

Address	Property Identifier (PID)	Legal Description
2753 East 49th Avenue	010-240-144	Lot 6 Block 9 District Lot 337 Plan 8117
2761 East 49th Avenue	010-240-179	Lot 7 Block 9 District Lot 337 Plan 8117
2769 East 49th Avenue	010-240-250	Lot 8 Block 9 District Lot 337 Plan 8117

Applicant Information

Applicant/Property Owner	Vertex DC Ventures Inc., on behalf of 1377570 B.C. Ltd
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Site Statistics

Site Area	2,353 sq. m (25,327 sq. ft.); Site dimensions 43 m (141 ft.) x 54.5 m (179 ft.)
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Development Statistics

	Permitted Under Existing Zoning	Development Permitted Under Proposed Zoning
Zoning	RS-1	RR-2B
Uses	Residential	Residential Rental (Residential)
Maximum Density	0.70 FSR	2.20 FSR
Floor Area	1,647 sq. m (17,729 sq. ft.)	Up to 5,176 sq. m (55,719 sq. ft.)
Height	10.7 m (35.1 ft.)	Up to 5 storeys (at the street): 16.8 m (55 ft.)
Unit Mix	n/a	as per RR-2B District
Parking, Loading and Bicycle Spaces	as per Parking By-law	as per Parking By-law
Natural Assets	To be assessed at the development permit stage	

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