



REFERRAL REPORT

Report Date: August 29, 2023
Contact: Yardley McNeill
Contact No.: 604.873.7582
RTS No.: 15911
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: 2821-2869 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 Aragon Properties Ltd. on behalf of Aragon (East 49th) Properties Ltd., the registered owner of the lands located at 2821-2869 East 49th Avenue [*Lots 15 to 20 of Block 9 North West 1/4 of District Lot 337 Plan 8117; PIDs 010-240-535, 008-071-594, 010-240-560, 004-912-616, 003-896-251 and 010-240-837, respectively*] to rezone the lands from RS-1 (Residential) 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

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 bylaw.

- 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 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 2821-2869 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 131 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

- Vancouver Plan (2022)
- Secured Rental Policy (2012, last amended 2023)
- RR-2B District Schedule (2023)
- Residential Rental Districts Schedules Design Guidelines (2022)
- Housing Needs Report (2022)
- Housing Vancouver Strategy (2018)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992, last amended 2022)

- Tenant Relocation and Protection Policy (2019)
- Green Buildings Policy for Rezoning (2010, last amended 2023)
- Urban Forest Strategy (2014, amended 2018)
- 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 (2014, last amended 2021)

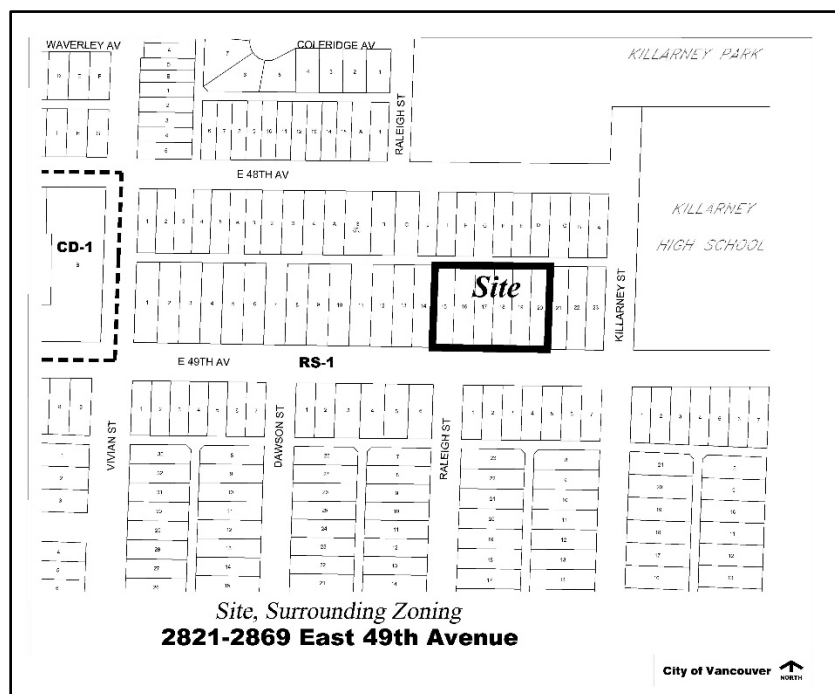
REPORT

Background/Context

1. Site and Context

The subject site (see Figure 1) is comprised of six legal parcels fronting East 49th Avenue. The site area is approximately 4,292.0 sq. m (46,198 sq. ft.), with a frontage of 77.4 m (254 ft.) and a depth of 55.7 m (183 ft.).

Figure 1: Location Map – Site and Context



This property and the surrounding area are zoned for residential and school uses under the RS-1 District Schedule. The site is currently developed with six single-detached homes constructed between 1950 and 2003. None of the houses are listed on the *Vancouver Heritage Register*. There are five rental tenancies on site, none of which are eligible for provisions under the *Tenant Relocation and Protection Policy*.

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 location criteria under the *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 three new residential rental (“RR”) zoning district schedules to the Zoning and 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 – On April 27, 2022, Council resolved at a public meeting to receive a Housing Needs Report (HNR) prepared by staff. Further to the BC Provincial government’s requirement, Council must consider 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 for rental apartment buildings under three zones: 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). This site is not 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 schedule requires that 35% of the units 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 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 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). Proposed unit numbers are not required for the simplified rezoning process but staff anticipate that this proposal could create approximately 131 rental units based on an average unit size assuming 35% will be family-sized units.

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 Southeast Vancouver neighbourhood, within which this site is located, is 0.3%. A vacancy rate between 3% and 5% is considered to represent 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 of the 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 existing rental residential uses, including five units of secondary rental housing. However there are no eligible tenants as defined under the City's *Tenant Relocation and Protection Policy (TRPP)*. All residential tenancies are protected under the provincial Residential Tenancy Act.

If any eligible tenants are identified through the City's regulatory approvals process, the applicant will be required to provide a Tenant Relocation Plan (TRP) that meets the City's *TRPP*.

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.

The development site will be required to deliver public realm improvements with widened sidewalks, upgraded street lighting and street trees where space permits. 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* 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.

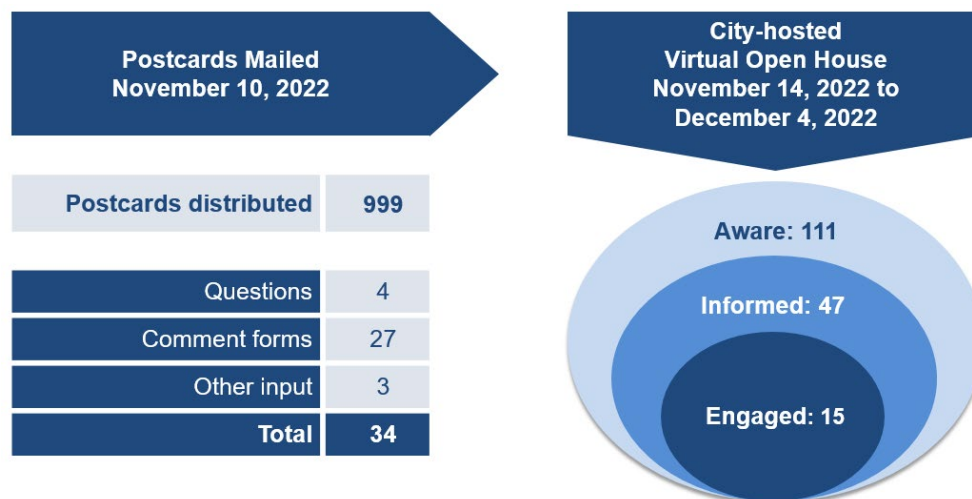
5. Public Input

A rezoning information sign was installed on the site on October 13, 2022. Approximately 999 notification postcards were distributed within the neighbouring area on or about November 10, 2022. Notification and application information, and an online comment form was provided on the City's Shape Your City Vancouver (<https://shapeyourcity.ca/>) platform.

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

Virtual Open House – A virtual open house was held from November 14, 2022 to December 4, 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. 111 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 34 submissions were received. A summary of all public responses may be found in Appendix C.

Figure 3: Overview of Notification and Engagement

Generally, comments of support fell within the following areas:

- **Housing and location:** Adding housing, especially rental housing to the City is supported. This is an ideal location for residents given the proximity to community resources such as the community centre, school, transit line and retail.

Generally, comments of concern fell within the following areas:

- **Traffic and parking:** The increase in residents brought in by the development will increase the amount of traffic and congestion in the area. Further, vehicles from the residents will overflow on to local streets and take up spots for street parking.
- **Density and neighbourhood context:** The proposed development is too dense and does not fit in with the existing neighbourhood made up of single family homes.

Response to Public Comments – The development will be required to provide off-street parking as per the Parking By-law. It is also well-sited to encourage reduced vehicle trips and parking demand, as 49th Avenue is on the Frequent Transit Network and well-served by transit. The proposed RR-2B zone permits up to five storeys and is consistent with the *Secured Rental Policy*.

6. Public Benefits

Community Amenity Contributions (CAC) – The *Community Amenity Contributions Policy for Rezoning*s 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 has requested and is expected to be eligible for a Class B (86.24%) waiver of the City-wide DCL in accordance with the Vancouver Development Cost Levy By-law. The

application is therefore subject to the maximum average starting rents and unit sizes by unit type applicable to “class B for-profit affordable rental housing” as per the By-law, if applicable and as may be amended from time to time. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance.

Based on the rates in effect as of September 30, 2022, it is estimated that the project will pay DCLs of \$1,489,080 should it achieve the maximum of 2.20 FSR. The value of the anticipated City-wide DCL waiver is estimated at \$1,754,762.

Public Art Program – The application is subject to a public art contribution estimated at \$201,241. The final contribution will be calculated based on rate in effect and the floor area at the development permit stage. Applicants may elect to provide on-site artwork or cash-in-lieu (at 80% of the public art budget).

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

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

Financial Implications

As noted in the Public Benefits section, this project is expected to provide secured rental housing, DCLs and a public art contribution. See Appendix E for additional details.

CONCLUSION

Staff have reviewed the application to rezone 2821-2869 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 rezoning 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.

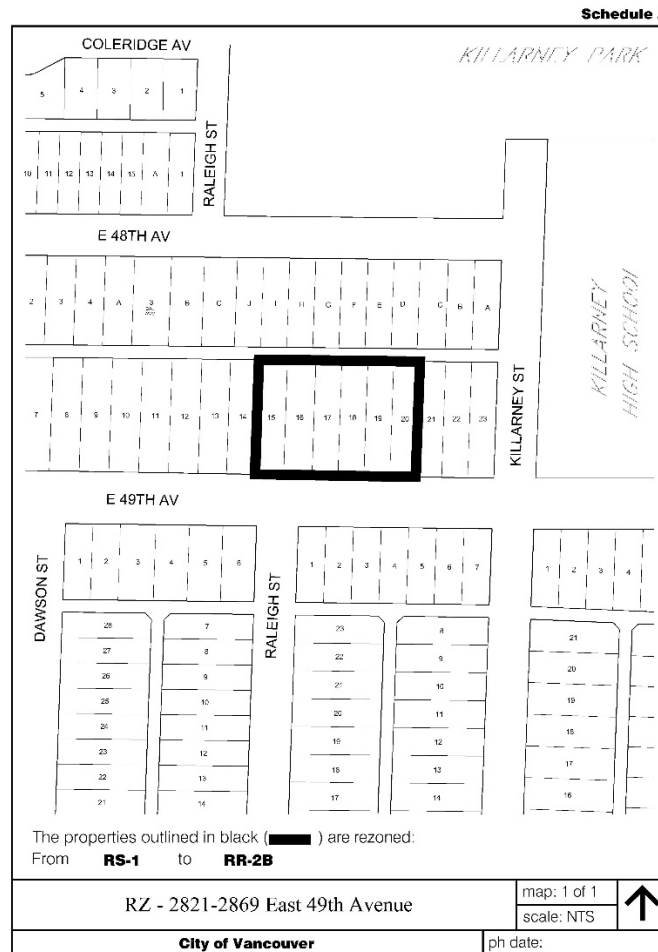
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**2821-2869 East 49th Avenue
PROPOSED BY-LAW AMENDMENTS**

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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2821-2869 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 Rezonings* (amended July 25, 2023) located here <https://guidelines.vancouver.ca/policy-green-buildings-for-rezonings.pdf>.

Note to Applicant: Refer to the most recent bulletin *Green Buildings Policy for Rezonings – 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 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).

Engineering

- 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 building occupancy. 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 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.

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

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

Note to Applicant: Stair ramps are not generally acceptable.

- 1.8 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 maneuvering 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.

1.9 Provision of a lighting simulation to support all off-site lighting upgrades to City standards and IESNA recommendations.

1.10 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 development will be required to demonstrate compliance with these requirements at the building permit application stage. See vancouver.ca/rainwater for more information.

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 Submission to Engineering of an updated landscape plan reflecting all of the public realm changes, including demonstration of:

- (a) Display of the following note:
 - (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 6 cm 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 retaining wall encroachment from the laneway; and

- (ii) Any proposed structure in, on or above the existing sewer and drainage easement.

Note to Applicant: Existing sewerage and drainage Easement (160668M) along the easterly 5 feet of Lot 20. Easement Area to remain unoccupied by any embankment or fill, or by any building or structure likely to obstruct such access, other than a boundary fence.

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.

- 1.14 Confirmation that gates/doors are not to swing more than 0.3 m (1.0 ft.) over the property lines.
- 1.15 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.

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

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

- 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 15 to 20, all of Block 9, North West ¼ of District Lot 337, Plan 8117 to create a single parcel.

Note to Applicant: Existing sewerage and drainage Easement (160668M) along the easterly 5 feet of Lot 20. Easement Area to remain unoccupied by any embankment or fill, or by any building or structure likely to obstruct such access, other than a boundary fence.

- 2.2 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.

Note to Applicant: Based on the confirmed Fire Underwriter’s Survey Required Fire Flows and domestic flows submitted by Aplin & Martin Consultants Ltd. dated June 1, 2022, no water main upgrades are required to service the development.

The main servicing the proposed development is 300 mm along East 49th Avenue. The developer is responsible for 100% of the cost of the servicing. The maximum water service connection size is 300 mm

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 2821 to 2869 East 49th Avenue require:

Development to be serviced to the existing 200 mm SAN and 200 mm STM sewers at East 49th Avenue.

Note to Applicant: Implementation of development(s) at 2821 to 2869 East 49th Avenue does not require sewer upgrades.

- (c) Street improvements along East 49th 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 reconstruction of the laneway along the development site’s frontage per City “Higher-Zoned Laneway” pavement specifications.

- (e) 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 feet long and 18 inch deep, centre on each street tree adjacent to the sidewalk and any off street bike facility.

- (f) Provision of installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.
- (g) Provision of Green Infrastructure improvements to the satisfaction of the General Manager of Engineering Services, including but not limited to:
 - (i) Installation of a rainwater tree trench under proposed sidewalk and boulevard, behind the existing double catch basin on site frontage, to provide the minimum soil volume storage for street trees as per the Engineering Design Manual and to capture and retain 90% of average annual rainfall or a 48 mm – 24 hour event from the right-of-way frontage to the crown of the road to the greatest extent practical.

Note to Applicant: These improvements will generally include placement of structural soil or soil cells, and perforated pipe under the future boulevard and sidewalk. The end of perforated pipe will be connected to existing catch basin to manage excess runoff. The stormwater tree trench must also be designed to provide the minimum soil volume for street trees as per the Engineering Design Manual and to manage rainwater runoff. Tree species to the approval of the City Arborist.

Note to Applicant: Green infrastructure (GI) should be used to manage rainwater from the street right-of-way as required in the [Rain City Strategy](#). The retention standard for the right-of-way is to treat and retrain the first 48 mm of rainfall (i.e. 90% of annual rainfall) where possible. These design standards are applied to the prescribed GI measures listed above. For further information, contact Green Infrastructure Implementation Branch, ESRGGIIDL@vancouver.ca.

- (h) Provision of upgraded street lighting (roadway and sidewalk) and existing lane lighting adjacent to the site to current City standards and IESNA recommendations.
- (i) Provision of entire intersection street lighting upgrade to current City standards and IESNA recommendations at Killarney Street / East 49th Avenue.
- (j) New or replacement duct bank that meets current City standards.

Note to Applicant: 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 current COV Engineering Design Manual, Construction Specifications, Standard Detail Drawing, Canadian Electrical Code and the Master Municipal Construction Documents.

- (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.

Note to Applicant: The ducts must be connected to the existing City street lighting grid.

- 2.3 Provision of a modification of Easement 160668M or a replacement Statutory Right of Way for utilities (sewer and drainage), to functionally expand the current easement area to a total width of 4 m along the east boundary of Lot 20, as required based on servicing strategy.

Note to Applicant: Easement or Right of Way through the site is required to be widened to 4 m for the existing 200 mm SAN and 250 mm STM sewer adjacent to 2869 East 49th Avenue. No structure encroachment is accepted.

- 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 securing all residential units as class B for-profit affordable rental housing, excluding Senior's Supportive or Assisted Housing, for a term equal to the longer of 60 years and life of the building, subject to the following conditions and requirements:
 - (a) A no separate-sales covenant is required;
 - (b) A no stratification covenant is required;
 - (c) A provision that none of the units are to be rented for less than one month at a time;
 - (d) A rent roll is to be provided indicating the agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and prior to development permit issuance and DCL calculations during the building permit application review process and/or at such other times as determined by the General Manager of Planning, Urban Design and Sustainability;

- (e) The average initial starting monthly rents for each unit type will be at or below the rents as determined in Section 3.1A(e) of the Vancouver Development Cost Levy By-law, as amended from time to time, and if applicable subject to adjustment as contemplated by Section 3.1B(d) of the Vancouver Development Cost Levy By-law;
- (f) That the average size of each unit type is at or below the limit as contemplated by the Vancouver Development Cost Levy By-law, if applicable and as may be amended from time to time.
- (g) A final rent roll is to be provided, 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.

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 In the event that one or more eligible tenants are discovered to reside at the property (or formerly resided at the property), 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 prior to issuance of the Development Permit 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 include, but may not be limited to whether each tenant has indicated interest in the Right of First Refusal to return to the new building (if applicable); 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) and their total compensation amount(s); 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 include, but may not be limited to the names of tenants; whether each tenant has taken up the Right of First Refusal in the new building (if applicable) and their starting rent; and for those not returning to the new building, 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.

Public Art

- 2.8 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 contact public art staff at publicart@vancouver.ca to discuss your application.

Environmental Contamination

- 2.9 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.

* * * * *

2821-2869 East 49th Avenue
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENT TO THE SUBDIVISION BY-LAW NO. 5208

Council amends Schedule A of the Subdivision By-law in accordance with the plan labelled Schedule A and attached to and forming part of this By-law, by deleting the following properties from the RS-1 maps forming part of Schedule A of the Subdivision By-law:

- (a) PID: 010-240-535; Lot 15 Block 9 North West 1/4 of District Lot 337 Plan 8117;
- (b) PID: 008-071-594; Lot 16 Block 9 North West 1/4 of District Lot 337 Plan 8117;
- (c) PID: 010-240-560; Lot 17 Block 9 North West 1/4 of District Lot 337 Plan 8117;
- (d) PID: 004-912-616; Lot 18 Block 9 North West 1/4 of District Lot 337 Plan 8117;
- (e) PID: 003-896-251; Lot 19 Block 9 North West 1/4 of District Lot 337 Plan 8117; and
- (f) PID: 010-240-837; Lot 20 Block 9 North West 1/4 of District Lot 337 Plan 8117.

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2821-2869 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

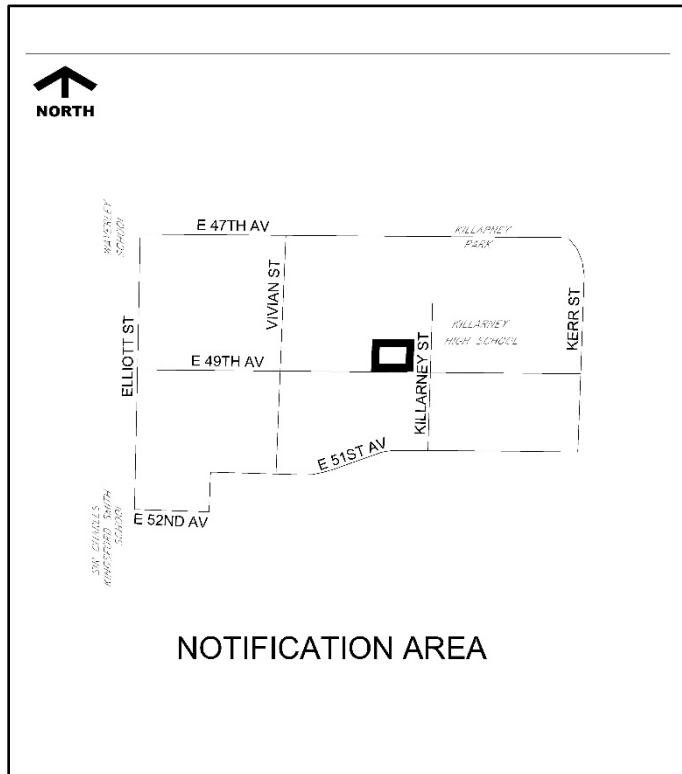
| | Date | Results |
|--|--------------------------------------|---|
| Event | | |
| Virtual open house (City-led) | November 14, 2022 – December 4, 2022 | 111 participants (aware)* <ul style="list-style-type: none"> • 47 informed • 15 engaged |
| Public Notification | | |
| Postcard distribution – Notice of rezoning application and virtual open house | November 10, 2022 | 999 notices mailed |
| Public Responses | | |
| Online questions | November 14, 2022 – December 4, 2022 | 4 submittal |
| Online comment forms <ul style="list-style-type: none"> • Shape Your City platform | May 2022 – June 2023 | 27 submittals |
| Overall position <ul style="list-style-type: none"> • support • opposed • mixed | May 2022 – June 2023 | 27 submittals <ul style="list-style-type: none"> • 13 responses • 14 responses • 0 responses |
| Other input | May 2022 – June 2023 | 3 submittal |
| Online Engagement – Shape Your City Vancouver | | |
| Total participants during online engagement period | May 2022 – June 2023 | 407 participants (aware)* <ul style="list-style-type: none"> • 90 informed • 29 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:

- **Housing and location:** Adding housing, especially rental housing to the City is supported. This is an ideal location for residents given the proximity to community resources such as the community centre, school, transit line and retail.

Generally, comments of concern fell within the following areas:

- **Traffic and parking:** The increase in residents brought in by the development will increase the amount of traffic and congestion in the area. Further, vehicles from the residents will overflow on to local streets and take up spots for street parking.
- **Density and neighbourhood context:** The proposed development is too dense and does not fit in with the existing neighbourhood made up of single family homes.

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:

- Rezoning to an existing district schedule is ideal because the process is less time consuming and not as expensive as rezoning to a CD-1.
- The proposed height, massing and use is supported.

General comments of concern:

- The existing community amenities (e.g. community centre) and transit system cannot support more residents.
- The development will block views and set a precedent for more mid-rises in the area.
- There is no green space and there are concerns about whether the trees on-site will be preserved, especially the mature trees.
- There is not enough parking offered.
- The proposal does not share enough information about the development e.g. form of development.

General neutral comments/recommendations:

- There should be retail space at grade.
- The development should go on a corner lot to avoid having a mid-rise in the middle of a block of single family houses.
- The development should be denser to maximize land use, have more bike parking spaces, and the setback should be removed.
- 49th Avenue needs wider sidewalks.
- The development should be less dense. A townhouse would be more acceptable.
- These types of developments should only be allowed on arterials like Knight Street or neighbourhoods with lower density like the West Side.
- Would like to see more of these types of developments on local streets.
- Would prefer for this to be a CD-1 rezoning.

* * * * *

2821-2869 East 49th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary

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

Public Benefit Summary:

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

| | Base Zoning | Proposed Zoning |
|--|-----------------------------------|------------------------------------|
| Zoning District | RS-1 | RR-2B |
| FSR of Base Zoning and FSR of Base Density (site area = 4,292.0 sq. m (46,198 sq. ft.)) | 0.70 | 2.20 |
| Floor Area | 3,004.4 sq. m (32,339 sq. ft.) | 9,442.4 sq. m (101,637 sq. ft.) |
| Land Use | Residential | Residential Rental |

Summary of development contributions anticipated under proposed zoning

| | |
|------------------------------|--------------------|
| City-wide DCL ^{1,2} | \$279,981 |
| Utilities DCL ¹ | \$1,209,099 |
| Public Art ³ | \$201,241 |
| TOTAL | \$1,690,321 |

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 has requested and is expected to be eligible for a Class B (86.24%) waiver of the City-wide DCLs applicable to the residential portion of the building. The value of the anticipated City-wide DCL waiver is estimated at \$1,754,762. The application is therefore subject to the maximum average starting rents and unit sizes by unit type applicable to "class B for-profit affordable rental housing" as per the By-law. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance.

³ Based on rates in effect as of 2016. Rates are subject to adjustments, see [Public Art Policy and Procedures for Rezoned Developments](#) for details.

**2821-2869 East 49th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Property Information

| Address | Property Identifier (PID) | Legal Description |
|----------------------------|---|--|
| 2821-2869 East 49th Avenue | 010-240-535, 008-071-594, 010-240-560, 004-912-616, 003-896-251 and 010-240-837 | Lots 15 to 20 of Block 9 North West 1/4 of District Lot 337 Plan 8117 |

Applicant Information

| | |
|----------------|------------------------------------|
| Applicant | Aragon Properties Ltd. |
| Property Owner | Aragon (East 49th) Properties Ltd. |

Site Statistics

| | |
|-----------|--|
| Site Area | 4,292.0 sq. m (46,198 sq. ft.), with a frontage of 77.4 m (254 ft.) and a depth of 55.7 m (183 ft.) along the east property line |
|-----------|--|

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 | 3,004.4 sq. m (32,339 sq. ft.) | Up to 9,442.4 sq. m (101,637 sq. ft.) |
| Height | 10.7 m (35 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 | |

* * * * *