



REFERRAL REPORT

Report Date: February 27, 2024
Contact: Sarah Cranston
Contact No.: 604.873.7733
RTS No.: 16242
VanRIMS No.: 08-2000-20
Meeting Date: March 12, 2024

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 1749-1769 East 33rd Avenue

RECOMMENDATION TO REFER

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

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

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT the application by Intracorp on behalf of Kensington Park Development Nominee Inc., the registered owner of the lands located at:
- 1749 East 33rd Avenue [*The West 1/2 of Lot 10 Except the North 10 Feet and the South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349; PID 013-861-085*],
 - 1757 East 33rd Avenue [*The East 1/2 of Block 10, Except the North 10 Feet and the South 7 Feet Now Highways, South 1/2 of District Lot 706 Plan 2349; PID 008-076-723*], and
 - 1765-1769 East 33rd Avenue [*The West 1/2 of Lot 9, Except the North 10 Feet Now Lane, South 1/2 of District Lot 706 Plan 2349; PID 013-860-453*],

to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.70 to 2.20 and the maximum building height from 11.5 m (37 ft.) to 19.1 m (63 ft.), with an additional height to top of rooftop amenity, to permit the development of a five-storey building and four-storey building containing a total of 109 secured market rental units, be approved in principle;

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

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by RWA Architecture, received December 14, 2022 provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT subject to approval 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 CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.
- C. THAT subject to approval of the CD-1 By-law, the Subdivision By-law be amended, generally as set out in Appendix C;

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

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

REPORT SUMMARY

This report evaluates an application to rezone 1749-1769 East 33rd Avenue from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District to permit a density of 2.20 FSR and building height of 19.1 m (63 ft.), with an additional height to top of rooftop amenity, under the *Secured Rental Policy (SRP)*. The proposal is for a five-storey residential building and a four-storey residential building containing a combined total of 109 secured rental units.

The proposed use and form of development are consistent with the intent of the *SRP*. Staff recommend 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 a Public Hearing and the conditions contained in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Vancouver Plan (2022)
- Secured Rental Policy (2012, last amended 2023)
- Housing Needs Report (2022)
- Housing Vancouver Strategy (2017)
- Residential Rental District Schedules Design Guidelines (2022)
- 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 (2015, last amended 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
- Latecomer Policy (2021)

REPORT

Background/Context

1. Site and Context

The subject site is in the Kensington-Cedar Cottage neighbourhood and comprised of three legal parcels on 33rd Avenue (see Figure 1). The total site area is approximately 2,838 sq. m (30,553 sq. ft.) with a frontage of approximately 42 m (138 ft.). The site is considered irregular in terms of depth and site slope, with a depth of 66.7 m (219 ft.) and an elevation change of approximately 4.5 m to 5.1 m (15-17 ft.). The site contains three single detached homes built between 1910 and 1974, which are not listed on the *Vancouver Heritage Register*. There are two rental tenancies eligible for protections under the *Tenant Relocation and Protection Policy (TRPP)*.

Figure 1: Surrounding Zoning and Context

The surrounding area is zoned primarily for residential uses under the R1-1 District Schedule, for single dwellings, multiplexes, duplexes and laneway houses. There is a C-2 zoned area along Victoria Drive, two blocks to the east, which allows mixed-use development.

The property immediately to the west of the subject site is zoned CD-1 (564), and is developed with a three-storey, strata-titled, multi-family residential building known as Vancouver Co-Housing. The Vancouver Co-Housing site was rezoned a decade ago, when the predominant policy and neighbourhood context was for single-family development. As a result, when the site was rezoned to CD-1, a single-family typology and form of development was required.

Under the *SRP*, the surrounding area is eligible for rezoning for mixed-use buildings and residential apartments up to six storeys on eligible arterial roads. Sites on eligible local roads can rezone for residential apartment buildings up to four storeys. The recent multiplex zoning amendments approved by Council in October 2023 allow sites zoned R1-1 to redevelop up to eight multiplex units through a development permit process.

Neighbourhood Amenities – The following amenities are within close proximity of the site:

- **Public Parks:** Kensington Park (500 m), Jones Park (500 m).
- **Community Spaces:** Kensington Community Centre (750 m).
- **Child Care Facilities:** Kensington Community Centre Association (750 m).

Local School Capacity – The site is located within the catchment area of Selkirk Elementary School and Gladstone Secondary School. According to the Vancouver School Board (VSB)'s 2020 *Long Range Facilities Plan* anticipates that Selkirk Elementary and Gladstone Secondary will both be operating under capacity by 2031, at 73% and 52% respectively. The VSB continues to monitor development and work with the City to plan for future growth.

2. Policy Context

Vancouver Plan – Approved by Council on July 22, 2022, the *Vancouver Plan* is a land use strategy to guide long-term growth of the city over the next 30 years. The *Vancouver Plan* serves as a framework with further implementation planning work to follow over the coming years. The site is located within the *SRP* eligibility map for low density transition areas, which is generally in alignment 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.

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

- In an existing R1-1 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.

The site is eligible for rezoning under the *SRP*, which allows consideration of up to six-storey apartments. For sites deeper than 41.1 m (135 ft.), the *Residential Rental Districts Schedules Design Guidelines (RR Design Guidelines)* allow a courtyard form of development, with an apartment fronting the arterial road, and townhouses along the lane.

While the site is eligible for RR-2B District Schedule under the *SRP*, a rezoning to CD-1 is appropriate given the site's atypical depth at 66.7 m (219 ft.) and elevation difference of 4.5 to 5.1 m (15-17 ft.) from street to lane. The atypical site conditions create design challenges for redevelopment under the RR Districts, including fire access and livability issues (sunken units) for townhouse units at the rear.

Policy 2.4.2 of the *SRP* notes that sites that meet the location and site context considerations, but are highly irregular in size, shape, context or other attributes may be eligible for rezoning to a CD-1 zone. At 2.20 FSR, the proposed application is in keeping with the density of the RR-2B zone but includes a four-storey apartment form for the rear building rather than townhouses. The proposed built form generally upholds the form of development expectations of the *SRP*.

Housing Needs Report – On April 27, 2022, Council resolved at a public meeting to receive a *Housing Needs Report (HNR)* by staff. Council must consider the most recent *HNR* when developing a development plan, or when amending a development plan in relation to Council's housing policies respecting affordable housing, rental housing, and special needs housing.

This rezoning application would facilitate the delivery of secured rental housing which addresses the data and findings with the *HNR*.

Strategic Analysis

1. Proposal

This application proposes a five-storey residential building fronting 33rd Avenue (south building), and a four-storey residential building fronting the rear lane (north building). A total of 109 secured market rental housing units are proposed. The proposed density is 2.20 FSR and height is 19.1 m (63 ft.), with additional height to 21.7 m (71 ft.) for the rooftop amenity space on the south building. The site's depth and slope require a CD-1 By-law in order to address the challenges to the form of development.

Amenity space will be located in the five-storey building, on the ground floor and on the roof. Green space and a children's play area are provided in the development's internal courtyard. Some vehicular parking stalls are proposed along the lane, with the majority of vehicle and bicycle parking located underground and accessed from the lane.

Figure 2: View of Proposed Development from 33rd Avenue (looking north)



2. Land Use

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

3. Form of Development, Height and Density (Refer to drawings in Appendix F and statistics in Appendix H)

This application is being considered through a rezoning to CD-1 rather than to a RR District Schedule due to atypical site conditions, specifically depth and slope, and the resulting built form challenges. The proposed development generally meets the intended urban design performance and built-form expectations of the *SRP* and the *RR Design Guidelines*.

Form of Development – The proposed form meets the intent of the *SRP*, which allows consideration of up to six-storey apartments on mid-block, on-arterial sites. For sites deeper than 41.1 m (135 ft.), the *RR Design Guidelines* allow a courtyard form of development, with townhouses on sites with a rear lane, and a rear apartment on double fronting sites.

The proposal meets the form of development expectation of the *SRP* and the *RR Design Guidelines* for a five-storey apartment building facing 33rd Avenue. Due to the site's atypical depth and slope, a townhouse configuration at the rear of the site is challenging given fire access and livability issues. Staff are therefore recommending a four-storey apartment building at the rear rather than a townhouse typology. Staff note that the site slope causes the rear (north) building to appear as four storeys from the lane and three storeys from the internal courtyard.

To mitigate impacts on adjacent properties and also to provide livable units, the proposal incorporates an increased width of the internal courtyard, an increased rear setback, and provides an additional setback on the upper massing of the rear four-storey apartment building.

Overall, the siting, grading, and form of development have provided a balanced response to the site conditions and context.

Height – The height of the five-storey building fronting 33rd Avenue (south building) meets the height expectation of the *SRP* and the *RR Design Guidelines*.

The design of the rear apartment building avoids sunken units and minimizes the required excavation for underground parking. Staff analyzed the option of reducing the rear apartment to three-storeys, however, staff are not recommending this option due to site conditions and context. Reducing the height of the north building would require the internal courtyard to be lowered, which is not recommended given the raised courtyard of the neighbouring co-housing site and the resulting livability challenges for the lower units facing the courtyard. To offset the increased height, the four-storey apartment is accompanied by a larger internal courtyard, enhanced rear setback, and upper level stepbacks to minimize impacts on adjacent properties.

Density – The proposed 2.20 FSR is consistent with *RR Design Guidelines* and the corresponding rental tenure district schedule (RR-2B).

Shadowing – The site depth minimizes the shadow impacts of the front building on adjacent properties and accommodates most of the shadow on the site. As the rear building is located in the north of the site with enhanced rear setbacks and upper stepbacks, it does not result in a major shadow impact on adjacent neighbouring properties. Please refer to Appendix F.

Indoor and Outdoor Amenity – Communal outdoor amenity is provided on the roof of the south building. Communal indoor amenity is provided in the south building, on the ground level and on the rooftop. Communal outdoor space is provided via the internal courtyard. Private outdoor space is provided for each unit.

Urban Design Panel (UDP) – A review by the Urban Design Panel was not required due to the modest scale of the proposal and general consistency with the expectations of the *SRP*.

4. Land Use

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add 109 rental housing units to the City's inventory of rental housing, which would contribute to the targets set out in the *Housing Vancouver Strategy* (See Figure 3).

Figure 3: Progress Towards 10-Year Housing Vancouver Targets for Secured Market Rental Housing as of September 30, 2023

Housing Type	10-Year Targets *	Units Approved Towards Targets**
Purpose-Built Secured Rental Units	16,000	14,907 (93%)

*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 CHMC Market Rental Survey) for the Mount Pleasant/Renfrew Heights neighbourhood, in which this site is located, is 0.5%. A vacancy rate between 3% to 5% is considered to represent a balanced market.

Housing Mix – The *Family Room: Housing Mix Policy for Rezoning Projects* policy requires a minimum of 35% family units. This application proposes 36.6% family units in a mix of two-bedroom and three-bedroom units, thereby meeting the policy. A provision is included in the CD-1 By-law to meet the minimum unit mix requirements.

Figure 4: Proposed Unit Mix

Type	Count	Percentage
Studio	37	33.9%
1-bed	32	29.4%
2-bed	40	36.7%
3-bed	0	0
Total	109	100%

Average Rents and Income Thresholds - Average rents for units on the eastside are shown in Figure 5. Rent increases, over time, are subject to the Residential Tenancy Act. Average market rents in newer rental buildings on the eastside are shown in the middle two columns in Figure 5. The market rental housing will provide options which are significantly more affordable than average home ownership costs as illustrated in Figure 5.

Figure 5: Market Rents in Newer Eastside Buildings, Costs of Ownership and Household Income Served

Unit	Average Unit Size (sq. ft.)	Newer Rental Buildings Eastside		Monthly Costs of Ownership for Median-Priced Apartment – Eastside (with 20% down payment)		
		Average Market Rent ¹	Annual Average Household Income Served	Monthly Costs of Ownership ²	Annual Average Household Income Served	Down Payment at 20%
Studio	384	\$1,653	\$66,120	\$2,200	\$88,000	\$79,550
1-bed	503	\$1,925	\$77,000	\$2,885	\$115,400	\$108,000
2-bed	695	\$2,619	\$104,760	\$3,809	\$152,360	\$141,300
3-bed	N/A	\$3,212	\$128,480	\$5,565	\$222,600	\$213,000

¹ Data from the October 2022 CMHC Rental Market Survey for apartments in purpose-built rental buildings completed in the year 2013 or later on the Eastside of Vancouver.

²Based on the following assumptions: median of all BC Assessment apartment sales prices in Vancouver Eastside in 2021 by unit type, 20% down payment, 5% mortgage rate (inline with Bank of Canada conventional rate), 25-year amortization, \$150-\$250 monthly strata fees and monthly property taxes at \$2.92 per \$1,000 of assessed value (2020 assessments and property tax rate).

Security of Tenure – Purpose-built rental housing offers secure rental tenure. All 109 units in the proposal would be secured through a Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units.

Existing Tenants – The rezoning site contains existing rental residential uses, including four units of secondary rental housing.

Two of the four existing residential tenancies 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 summarized in Appendix D of this report. All residential tenancies are protected under the provincial Residential Tenancy Act.

5. Parking and Transportation

The application proposes 15 vehicle parking stalls and 40 bicycle stalls, as well as one Class B commercial loading space, all accessed from the lane. At the time of development permit, the application will meet the Parking By-law, which provides for reductions in the number of parking stalls. Based on the proximity to transit, the development is eligible for a 20% reduction to residential parking requirements.

The site is served by bus service along 33rd Avenue and Victoria Drive as part of TransLink's Frequent Transit Network (FTN). The site is close to bicycle lanes at 37th Avenue and Dumfries Street.

Engineering conditions require improvements along the site's 33rd Avenue frontage, including a widened front boulevard, widened sidewalk, relocation of an existing streetlight, removal of the existing driveway crossings and installation of a tree trench for street trees. Improvements to the intersection of Commercial Street and 33rd Avenue have also been conditioned, including installation of a new Rectangular Rapid Flashing Beacon (RRFB) crosswalk, upgrades to street and lane lighting, as well as installation of a bioretention corner bulge for rainwater management. Engineering conditions are included in Appendix B.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezonings* requires that rezoning applications satisfy the green and resilient building conditions, including strategies to meet energy, emissions, and embodied carbon targets. This application complies with the policy.

Natural Assets – The *Urban Forest Strategy* seeks to protect and strengthen Vancouver's urban forest and tree canopy. The Protection of Trees By-law requires that permission be granted to remove trees that contribute to a healthy urban forest. 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 to achieve resilient and healthy natural systems in our urban areas.

There are 15 existing trees on site, all of which are proposed to be removed. Approximately 37 replacement trees ranging in height from three to five metres are proposed. There are 13 existing off-site trees on neighbouring sites, and protection of these trees during construction is required. New on-site trees are proposed with final numbers and locations determined through the development permit process. See Appendix B for landscape conditions.

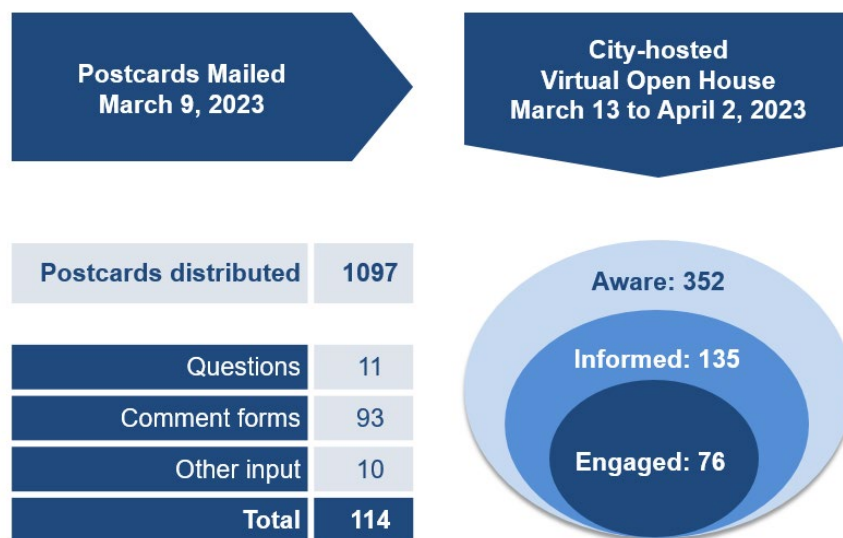
7. Public Input

Public Notification – A rezoning information sign was installed on the site on February 24, 2023. Approximately 1,097 notification postcards were distributed within the neighbouring area on or about March 13, 2023. Application information and an online comment form was provided on the Shape Your City (shapeyourcity.ca/) platform.

Virtual Open House – A virtual open house was held from March 13, 2023 to April 2, 2023. Questions were submitted by the public and posted with a response over a three-week period. A digital model was made available for online viewing.

A virtual approach allowed people to access materials online and engage at different levels at a time and location of their choosing. Members of the public could submit questions, which staff actively monitored and responded to publicly. The website was viewed 352 times.

Public Response and Comments – Public input is collected via online questions, comment forms, through email, and by phone. A total of 114 submissions were received.

Figure 6: 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:

- **Rental and affordable housing:** Support for more housing, especially much-needed rental and affordable housing, which will contribute to a more inclusive and affordable neighbourhood.
- **Density:** The density for this development is appropriate given proximity to amenities and will improve the neighbourhood with a more diverse population of residents, including families.
- **Building design and amenities:** The building design is considered attractive and will have a positive effect on the overall surroundings. The amenities and green space provided through this development are supported.
- **Neighbourhood revitalization:** Support for ongoing neighbourhood revitalization.

Generally, comments of concern fell within the following areas:

- **Height and density:** Non-support for the proposed height and density. Concern the development is not appropriate or consistent with the existing neighbourhood context.
- **Privacy:** Concerns of overlook and disturbance from the proposed development.
- **Sunlight and shadowing:** Concern the proposed development will block neighbouring properties' sunlight and negatively impact food productivity in the existing neighbourhood gardens.

- **Traffic and safety:** Concerns that the development will worsen traffic congestion in the area, along 33rd Avenue and along the lane. Concern that 33rd Avenue is designated as an arterial road, but only has one lane of traffic in each direction. Concern for pedestrian safety with the increase in traffic from the development.
- **Parking availability:** The proposal lacks sufficient parking and will worsen existing parking shortages in the neighbourhood. The development will reduce parking availability for residents of the neighbourhood. More vehicle and bicycle parking are needed.

Response to Public Feedback

Height and density

The proposal is generally consistent with the *SRP* and the *RR Design Guidelines*.

The rear building is proposed as a four-storey apartment rather than two-and-a-half-storey townhouses to improve the livability of the lower units, and to address building code fire travel distances in response to the site's irregular depth and slope.

Privacy

Regarding concerns of privacy and overlook, staff note that there are no balconies on the east or west facades of the proposed buildings. In keeping with the *RR Design Guidelines*, the proposed buildings must meet the minimum side yard setback of 2.4 m (8 ft.) from shared property lines.

The Landscape Conditions of Approval (Part A of Appendix B) require more landscaping around entry areas, within the lane interface, and low-maintenance landscaping to any blank wall facades. To improve privacy and increase landscaping, the applicant has offered a stepped planted buffer along the shared property line with a guardrail or low fencing, to increase landscaping, provide privacy, allow light passage through the permeable fencing and reduce the sense of height and massing. Additional landscape and urban design review will take place at the development permit stage.

Sunlight and shadowing

While apartment buildings generate more shadowing than existing detached houses, the *RR Design Guidelines* provide guidance to limit the impact of shadowing. The proposal follows the *RR Design Guidelines* for setbacks, building depth, side yard and upper storey stepping to minimize shadow impacts to adjacent properties. To maximize opportunities for sunlight on the development site, rooftop outdoor amenity has been proposed on the south building which fronts 33rd Avenue.

The greatest shadow impact from the proposed development is on the development site itself, specifically shadowing of the north building by the south building. The proposed apartments and additional height of the north building will result in minimal shadowing of adjacent properties. The worst shadowing condition for adjacent properties is limited to 10 AM – 12 PM within the spring and fall equinoxes. The shadow studies are included in Appendix F.

The majority of the shadowing on the co-housing site is an existing condition, caused by the existing buildings on that site. Food productivity on the co-housing site is not expected to be

negatively impacted by shadows from the proposed development.

Traffic and safety

Engineering staff have reviewed the application with respect to transportation impacts and have included conditions to improve transportation operations and safety for pedestrians, cyclists and motorists. Notably, rezoning conditions include the installation of a new Rectangular Rapid Flashing Beacon (RRFB) crosswalk at the intersection of Commercial Drive and 33rd Avenue. In addition, street improvements have been conditioned along the site's 33rd Avenue frontage including a widened front boulevard and sidewalk.

Regarding concerns around lane safety and children playing in the lane, Staff note that lanes form part of the road network and are not formalized amenity or programmed recreational areas. The increased rear yard setback on site of 6 m (20 ft.) allows for better visibility for vehicles entering and exiting the parkade.

Conditions of approval included in Appendix B require improved sightlines for parkade ingress and egress, including the use of convex mirrors at the parkade exit so cars will have better visibility of lane activity.

Parking availability

The development is required to provide off-street parking for both residents and visitors as per the Parking By-law. The site has an option to reduce vehicle parking requirements with submission of a Transportation Demand Management (TDM) Plan and/or due to proximity to transit, as summarized in the *RR Design Guidelines*.

The proposal is consistent with the intent of the *RR Design Guidelines*, which encourages surface parking at the lane and a single level of underground parking to improve tree planting and rainwater infiltration opportunities and minimize construction costs.

Neighbours may also request that the City implement residential permit parking in the neighbourhood to improve local parking conditions.

8. 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. This application meets the criteria for an exemption as a R1-1 zoned site proposed to rezone up to five storeys.

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

This application was eligible for a waiver of (a portion of) the City-wide DCLs applicable to the residential portion of the building, 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, 2023, it is estimated that the project will pay \$2,383,271 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. All 109 residential units will be secured as rental housing for the longer of 60 years and the life of the building. As a condition of by-law enactment, a Housing Agreement and Section 219 Covenant are required to be registered on title to preclude, amongst other things, stratification of the building, separate sale of individual units, and rentals for less than one month at a time.

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

Financial Implications

As noted in the Public Benefits section, this project is expected to provide DCLs. Please see Appendix G for more details.

Conclusion

Staff have reviewed the application to rezone 1749-1769 East 33rd Avenue from R1-1 to CD-1 to facilitate the delivery of a five-storey and a four-storey rental residential building with additional height to top of rooftop amenity. The proposed land use, housing mix, form of development and public benefits are consistent with the *SRP* and advance the City’s housing policy goals.

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

* * * * *

1749-1769 East 33rd Avenue
PROPOSED CD-1 BY-LAW PROVISIONS

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

Zoning District Plan Amendment

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

[Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to Public Hearing, Schedule A will be included with the draft by-law that is prepared for posting.]

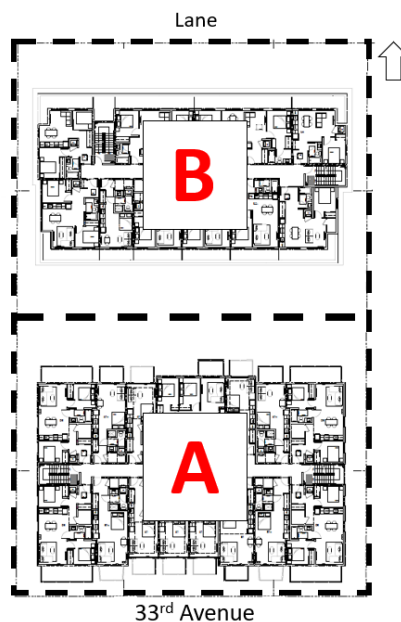
Designation of CD-1 District

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 (___).

Sub-areas

3. The site is to consist of 2 sub-areas generally as illustrated in Figure 1, solely for the purpose of establishing the maximum permitted building height for each sub-area.

Figure 1 – Sub-areas



Uses

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

Conditions of Use

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

Floor Area and Density

- 6.1 Computation of floor area must assume that the site area is 2,838 m², being the site area at the time of the application for the rezoning application evidenced by this By-law, and prior to any dedications.
- 6.2 The maximum floor space ratio for all uses combined is 2.20.
- 6.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.
- 6.4 Computation of floor area must exclude:
 - (a) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that:
 - (i) the total floor area of all such exclusions must not exceed 12% of the residential floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
 - (c) floors or portions thereof that are used for:
 - (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,

- (ii) bicycle storage, and
- (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;
- (d) entries, porches and verandahs, if the Director of Planning first approves the design;
- (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit; and
- (f) all storage area below base surface for non-dwelling uses.

6.5 The Director of Planning or Development Permit Board may exclude common amenity areas from the computation of floor area, to a maximum of 10% of the total permitted floor area, if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.

Building Height

- 7.1 Buildings heights in each sub-area must not exceed the maximum permitted height for that sub-area, as set out in Table 1.
- 7.2 Despite section 6.1 of this By-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space or mechanical appurtenances including elevator overrun and rooftop access structures in a sub-area, the height of the portions of the building with the permitted common rooftop amenity space or mechanical appurtenances must not exceed the permitted building height for that sub-area, as set out in Table 1.

Table 1 – Maximum Permitted Building Height

Sub-area	Building Height	Building height for portions of building with permitted common rooftop amenity spaces-or mechanical appurtenances
A	19.1 m	21.7 m
B	14.9 m	16.7 m

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 8.2 For the purposes of section 8.1 above, habitable room means any room except a bathroom or a kitchen.

- 8.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 8.4 The plane or planes referred to in section 8.3 above must be measured horizontally from the centre of the bottom of each window.
- 8.5 An obstruction referred to in section 8.3 above means:
- (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted under the zoning on any adjoining site.
- 8.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirements if:
- (a) the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines; and
 - (b) the minimum distance of unobstructed view is at least 3.7 m.

* * * * *

1749-1769 East 33rd Avenue
CONDITIONS OF APPROVAL

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

PART 1: CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by Intracorp, received December 1, 2022 and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning who shall have particular regard to the following:

Urban Design

- 1.1 Consideration to increase the width of the courtyard by reducing the rear setback to a minimum of 12 feet.

Note to Applicant: The rear surface parking stalls may be relocated to the underground parking. Consider stair-free access from the proposed loading to the elevators of both buildings.

- 1.2 Design development to provide amenity spaces within both buildings, including by utilizing the roof of the rear building.

Note to Applicant: This can be achieved by providing indoor/outdoor amenity spaces on the roof of the north apartment. Consider large landscaping and greenery areas on the roof to mitigate the urban heat island effect and enhance the rear roof's visual interest as viewed from above.

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

- (a) Ensure studio B1 meets HAD requirements by deleting the enclosure of the sleeping area;
- (b) Consider providing the recommended 10% three-bedroom units within the required 35% family units; and
- (c) Consider enlarging the kid's room in unit D2.

Crime Prevention through Environmental Design (CPTED)

- 1.4 Design development to respond to CPTED principles including:

- (a) Maximizing natural surveillance throughout pedestrian realm including underground parking, with glazing into publicly accessible areas such as elevator lobbies, and stairs;
- (b) Introducing measures intended to mitigate theft from vehicles and provide for a sense of security in the underground parking garage, including specifying bright paint for all walls and soffits; and
- (c) Anticipating mischief and intentional damage such as graffiti in alcoves, and introducing measures intended to mitigate these potential problems such as additional glazing or points of entry to enhance visual activity at all hours.

Housing

- 1.5 The design and layout of at least 35% of the dwelling units must:
- (a) Be suitable for family housing;
 - (b) Include two or more bedrooms; and
 - (c) Comply with the High-Density Housing for Families with Children Guidelines.
- 1.6 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).

Landscape

- 1.7 Design development to improve lane interface by the provision of more substantial planting buffers, including some trees, to screen parking and provide privacy to properties across the lane.
- 1.8 Design development to improve the sustainability strategy, by the following:
- (a) Add substantially more landscape around all entry areas, to accent and soften them.

- (b) Add vines to any blank wall facades, ensuring the vine support is sturdy and low maintenance (avoid high maintenance modular “green wall” systems).
 - (c) Add planters with overarching shrubs to common upper level decks, to be visually accessible from below, softening the edges and consisting of woody evergreen plant material for year-round presence.
 - (d) Add edible plants, which can be used as ornamentals as part of the landscape design, in addition to urban agriculture plots.
- 1.9 Design development to ensure the intended landscape design is carried into the future by adequate maintenance, as follows:
- (a) Provide common maintenance access to all planted common areas;
 - (b) Provide a high efficiency irrigation system for all planted areas.
- 1.10 Provision of coordination between Landscape Plan and Architectural Site Plan, for most updated information;
- 1.11 Provision of complete information, such as references on the Roof Deck Plan, confirming all landscape elements;
- 1.12 Confirmation that all off-site adjacent property trees are adequately protected by undisturbed grades, retaining walls or planters, in coordination with project arborist;
- 1.13 Provision of a detailed Landscape Plan illustrating soft and hard landscaping:
- Note to Applicant: The plans should be at 1/8 inch:1 ft. scale minimum. The Plant List should include the common and botanical name, size and quantity of all existing/proposed plant material. Plant material should be clearly illustrated on the Plan and keyed to the Plant List. The Landscape Plan should include the public realm treatment (to the curb) and all existing or proposed street trees, adjoining walkways, surface materials, PMT/Vista transformers and public utilities such as lamp posts, hydro poles and fire hydrants.
- 1.14 Provision of detailed architectural and landscape cross sections (minimum 1/4 inch scale) through common open stalls, semi-private patio areas and the public realm.
- Note to Applicant: The sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.
- 1.15 Provision of a revised Arborist Report at the development permit stage to discuss anticipated impacts to existing street trees, recommended mitigation measures, and the initial and long-term canopy clearance pruning that would be required to facilitate the proposed building.

Note to Applicant: If standard arboricultural mitigation measures cannot adequately address conflicts with tree roots or with the tree canopy, design development to minimize this impact will be required.

1.16 Provision of a "Tree Management Plan", coordinated with the arborist report to show:

- (a) Scaled and dimensioned tree protection barriers around the trees on private and public property, coordinated with the Arborist Report;
- (b) Tree numbering for all on-site and off-site trees; and
- (c) Notations of all recommendations from Arborist, i.e. Trigger points, grading and pruning specifications etc.

1.17 Provide an arborist "letter of undertaking" to include signatures by the owner, contractor and arborist.

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

1.18 Coordination for the provision of new street trees or any proposed City owned tree removals adjacent to the development site, where applicable.

Note to applicant: New street trees to be shown and confirmed on the development permit plans. Contact Engineering (604-871-6131) to confirm tree planting locations and Park Board (604-257-8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

1.19 Provision of high efficiency irrigation for all planted areas and hose bibs for all patios and common areas greater than 9.3 sq. m (100 sq. ft.).

Note to Applicant: On the plan, illustrate irrigation connection points and hose bib symbols accurately and provide a highlighted note to verify the irrigation is to be designed and constructed. Hose bibs are requested to encourage patio gardening and hand watering on private patio and amenity decks.

Sustainability

- 1.20 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning*s (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 Rezoning
– Process and Requirements.

Engineering

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

- 1.21 The owner or representative is 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>

- 1.22 Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.
- 1.23 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.
- 1.24 Submission to Engineering an updated landscape plan reflecting all of the public realm changes, including demonstration of:
- (a) Display of the following note(s):
 - (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".

- (iii) "The required Green Infrastructure improvements on 1749 East 33rd Avenue will be as per City-issued design."

(b) Existing locations of:

- (i) Street furniture; and
- (ii) Poles and guy wires.

(c) Removal of:

- (i) Encroachment of not to City standard lane treatments from the Landscape plans;

Note to Applicant: Surface treatment on City lane to be standard asphalt.

- (ii) Proposed benches shown on street right of way.

Note to Applicant: A separate application to the City Street Furniture Coordinator is required.

- (iii) Encroachments from the City boulevard along East 33rd Avenue.; and

Note to Applicant: The hardscape surface treatment on the City boulevard is to be standard concrete.

- (iv) Existing retaining walls from the City boulevard and the future property dedication area along East 33rd Avenue.

(d) A minimum 1'-0" setback from the property line for all first risers of proposed steps.

Note to Applicant: Landscape plan, page 20, shows proposed steps from the Lane.

(e) Callouts and labelling of green infrastructure improvements.

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.

- 1.25 Design development to improve access and design of on-site bicycle parking by:
- (a) Relocating the Class B bicycle parking proposed on East 33rd Avenue to fully be on private property: and

Note to applicant: Class B bicycle parking must be located onsite in order to meet parking bylaw requirements.
 - (b) Providing a minimum 1.5m (5 ft.) wide access route between the oversized bicycle parking stalls and the outside.

- 1.26 Design development to improve access and design of loading stalls and demonstrate compliance with the Parking and Loading Design Supplement by:

- (a) Provision of convenient, internal stair-free loading access to/from all site uses;
- (b) Provision of improved sightlines for Class B loading and parkade egress; and

Note to Applicant: Explore reducing the length of the wall between exit 2 and the parkade entrance, and the use of convex mirrors.

- (c) Provision of a clear unloading area, independent of the parkade entrance, minimum 1.8 m (5.9 ft.) wide, with suitable access to facilitate goods loading/unloading.

Note to Applicant: Amendments to the Parking Bylaw for vehicle and loading spaces, approved by Council on November 15, 2023, will come into effect on January 1, 2024 and apply to all development permits received after this date.

- 1.27 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 stalls and the number of stalls being provided.
- (b) Identify all types of parking and loading stalls by number and labelling individually.
- (c) Dimension all column encroachments into parking stalls.
- (d) Identify all columns in the parking layouts.
- (e) Dimension additional setbacks for parking stalls due to columns and walls.
- (f) 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.

- (g) Identify areas of minimum vertical clearances on parking levels.
- (h) Provide design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, accessible stalls, 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.

- (i) Identify of the stair-free access route from the Class A bicycle stalls to reach the outside.

Note to Applicant: Stair ramps are not generally acceptable.

- 1.28 Provision of a finalized Transportation Demand Management (TDM) Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Amendments to the Parking Bylaw for vehicle and loading spaces, and the Transportation Demand Management (TDM) Administrative Bulletin, approved by Council on November 15, 2023, will come into effect on January 1, 2024 and apply to all development permits received after this date.

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

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.

- 1.30 The Developer's Engineer is to submit a sewer abandonment plan that details the following:

- (a) The abandonment or removal of all existing storm, sanitary, and combined connections to the development site; and
- (b) The abandonment or removal of all existing storm, sanitary, and combined sewer mains that are no longer in use due to the development of the site.

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

- 1.31 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.

- 1.32 Show all City supplied building grades on the architectural and landscape plans, and when providing additional property line elevations for proposed entrances, interpolate a continuous grade between the elevations provided on the City supplied building grade plan.

<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 CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the General Manager of Arts, Culture and Community Services, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 2.1 Make arrangements to the satisfaction of the General Manager of Engineering Services, Director of Legal Services and the Approving Officer for consolidation of *The West 1/2 of Lot 10 Except the North 10 Feet and the South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349; The East 1/2 of Block 10, Except the North 10 Feet and the South 7 Feet Now Highways, South 1/2 of District Lot 706 Plan 2349; and The West 1/2 of Lot 9, Except the North 10 Feet Now Lane, South 1/2 of District Lot 706 Plan 2349*, to create a single parcel, and subdivision of that parcel to result in the dedication of the south 7 feet of *The West 1/2 of Lot 9, Except the North 10 Feet Now Lane, South 1/2 of District Lot 706 Plan 2349* for road purposes.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required. For general information see the subdivision website at:

<http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx>

- 2.2 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of Easement & Indemnity Agreement 291831M (Crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition for zoning enactment.

- 2.3 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 2.4 (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.

Note to Applicant: Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Aplin & Martin Consultants Ltd. dated November 29, 2022, no water main upgrades are required to service the development.

The main servicing the proposed development is 300mm along East 33rd Avenue. The developer is responsible for 100% of the cost of any upgrading. 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,

Note to Applicant: Implementation of development(s) at 1749-1769 East 33rd Avenue does not require any upgrades in order to maintain sewer flow conditions.

Development to be serviced to the existing 200mm SAN and 600 mm STM sewers in East 33rd Avenue.

- (c) Street improvements along East 33rd Avenue adjacent to the site and appropriate transitions including the following:
- (i) 1.2 m (4.0 ft.) wide front boulevard (measured from the back of the

- existing curb) with street trees where space permits;
 - (ii) 1.8 m (6.0 ft.) wide broom finish saw-cut concrete sidewalk;
 - (iii) relocation of the existing streetlight to the new front boulevard to be outside of the new sidewalk;
 - (iv) removal of the existing unused driveway crossings and reconstruction of the boulevard, sidewalk, and curb to current standards.
- (d) Provision of improvements at the intersection of Commercial Street and East 33rd Avenue including:
- (i) design and installation of a new RRFB (Rectangular Rapid Flashing Beacon) crosswalk and any required associated works.
 - (ii) entire intersection street lighting upgrade to current City standards and IESNA recommendations.

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.
- (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 green infrastructure improvements including:
- (i) Installation of a rainwater tree trench on East 33rd Avenue in the property frontage, under proposed sidewalk and boulevard 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.
 - (ii) Installation of a bioretention corner bulge system on East 33rd Avenue in the proposed bulge to accommodate a signal crossing for Commercial Drive, to treat and retain 90% of average annual rainfall from the right-of-way (RoW) to the greatest extent practical.

Note to Applicant: These improvements generally include placement of plants, growing medium, and perforated pipe sub drain connected to the sewer system.

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 48mm 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 to current City standards and IESNA recommendations.
- (i) Provision new or replacement duct bank that meets current City standard.

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 the current City Engineering Design Manual, Construction Specifications, Standard Detail Drawing, Canadian Electrical Code and the Master Municipal Construction Documents. Submission of the detailed Electrical Design does not occur until the Rezone has been enacted and a City Project Coordinator is assigned to the project.

- (j) 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.

- (k) Provision of installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.

2.4 Provision of 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) Intersection of Commercial Street and East 33rd Avenue improvement per condition 2.3.(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.

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

- 2.5 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.
- 2.6 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

- 2.7 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 109 residential units as secured market rental housing units, excluding Seniors Supportive or Assisted Housing, pursuant to the City's Secured Rental Housing 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, a provision that none of such units will be rented for less than one month at a time, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require.

The Housing Agreement and Section 219 Covenant will also ensure the use and access of the amenity spaces, currently designated on the plans submitted for rezoning as "amenity" on level 1 of the south building and "indoor area" and "outdoor area" on the rooftop of the south building, and any other amenity spaces as may be shown on the development plans approved in connection with the development permit, shall be shared and made available to all residential occupants and/or tenants of the building as a common space in perpetuity.

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.

- 2.8 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 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); 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.

Agreements

- 2.9 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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1749-1769 East 33rd Avenue
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS 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 R1-1 maps forming part of Schedule A of the Subdivision By-law:

1. PID 013-861-085; The West 1/2 of Lot 10 Except the North 10 Feet and the South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349;
2. PID 008-076-723; The East 1/2 of Block 10 Except the North 10 Feet and the South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349; and
3. PID 013-860-453; The West 1/2 of Lot 9, Except the North 10 Feet Now Lane, South 1/2 of District Lot 706 Plan 2349.

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1749-1769 East 33rd Avenue
SUMMARY OF TENANT RELOCATION PLAN TERMS

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

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1749-1769 East 33rd Avenue
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

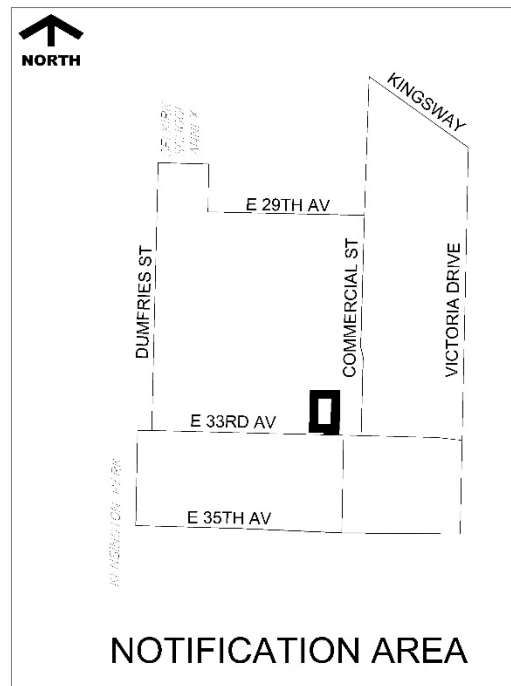
	Date	Results
Events		
Virtual open house (City-led)	March 13, 2023 – April 2, 2023	352 participants (aware)* <ul style="list-style-type: none"> • 135 informed • 76 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	March 9, 2023	1097 notices mailed
Public Responses		
Online questions	March 13, 2023 – April 2, 2023	11 submittals
Online comment forms <ul style="list-style-type: none"> • Shape Your City platform 	February 2023 – October 2023	93 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	February 2023 – October 2023	93 submittals <ul style="list-style-type: none"> • 50 responses • 23 responses • 20 responses
Other input	February 2023 – October 2023	10 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	February 2023 – October 2023	764 participants (aware)* <ul style="list-style-type: none"> • 274 informed • 96 engaged

Note: All reported numbers above are approximate.

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

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

2. Map of Notification Area



3. Analysis of All Comments Received

Below is an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Rental and affordable housing:** Residents are in favour of more housing, especially much-needed rental and affordable housing, which will contribute to a more inclusive and affordable neighbourhood.
- **Density:** The density for this development is considered appropriate. More density would be supported. More density will enliven the neighbourhood with a more diverse population of residents, including families.
- **Building design and layout:** The building design is considered attractive and will have a positive effect on the overall surroundings. Larger units, suitable for families, are desired.
- **Amenities:** The additional amenities and green space proposed for this development are supported.

Generally, comments of concern fell within the following areas:

- **Height and density:** The height and density are not appropriate for the local context and does not fit within the existing low-density neighbourhood.
- **Neighbourhood context:** The proposed development is not consistent with neighbouring developments and does not fit the neighbourhood character.
- **Sunlight and shading:** The proposed development would block neighbouring properties' sunlight. Food productivity in the existing neighbourhood gardens would be negatively impacted as a result.
- **Traffic and parking availability:** The proposal will cause traffic congestion and safety issues, and lacks sufficient parking, which will reduce parking availability for residents of the neighbourhood. More vehicle and bicycle parking are needed.

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

General comments of support:

- The proposed rental housing will keep families in the neighbourhood.

General comments of concern:

- The proposed building would result in increased heat island effect and make temperatures unmanageable.
- The proposed development will result in the loss of existing trees and greenery.
- Residents are concerned about an increase in noise and loss of privacy.

Neutral comments/suggestions/recommendations:

- More transit and bicycle infrastructure (including cycling paths) are needed, especially with fewer parking stalls available.
- The taller building is on the highest point and the slope can be used better.

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1749-1769 East 33rd Avenue
FORM OF DEVELOPMENT DRAWINGS

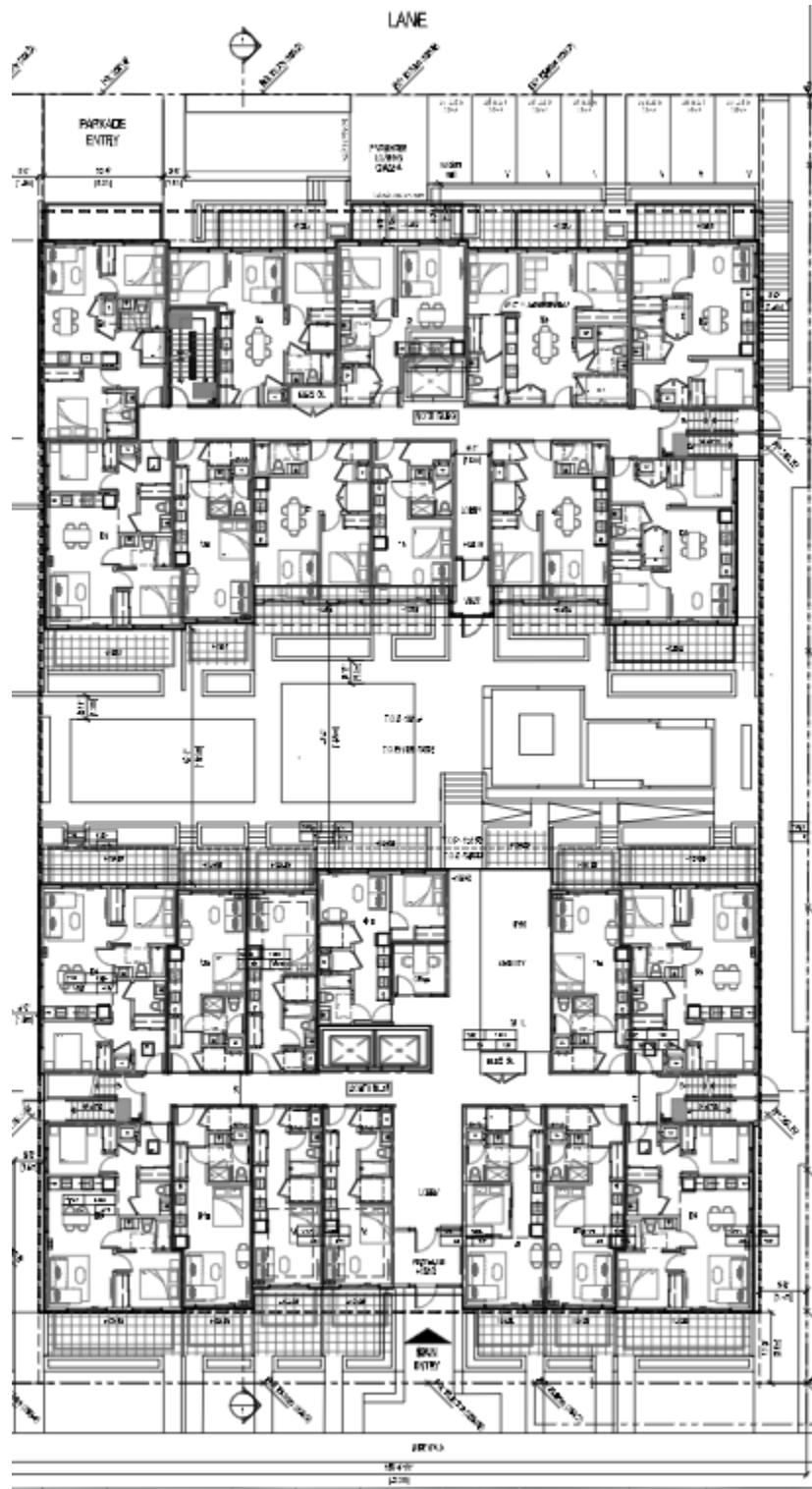
Perspective from 33rd Avenue (Looking North)



Perspective from Lane (Looking South)

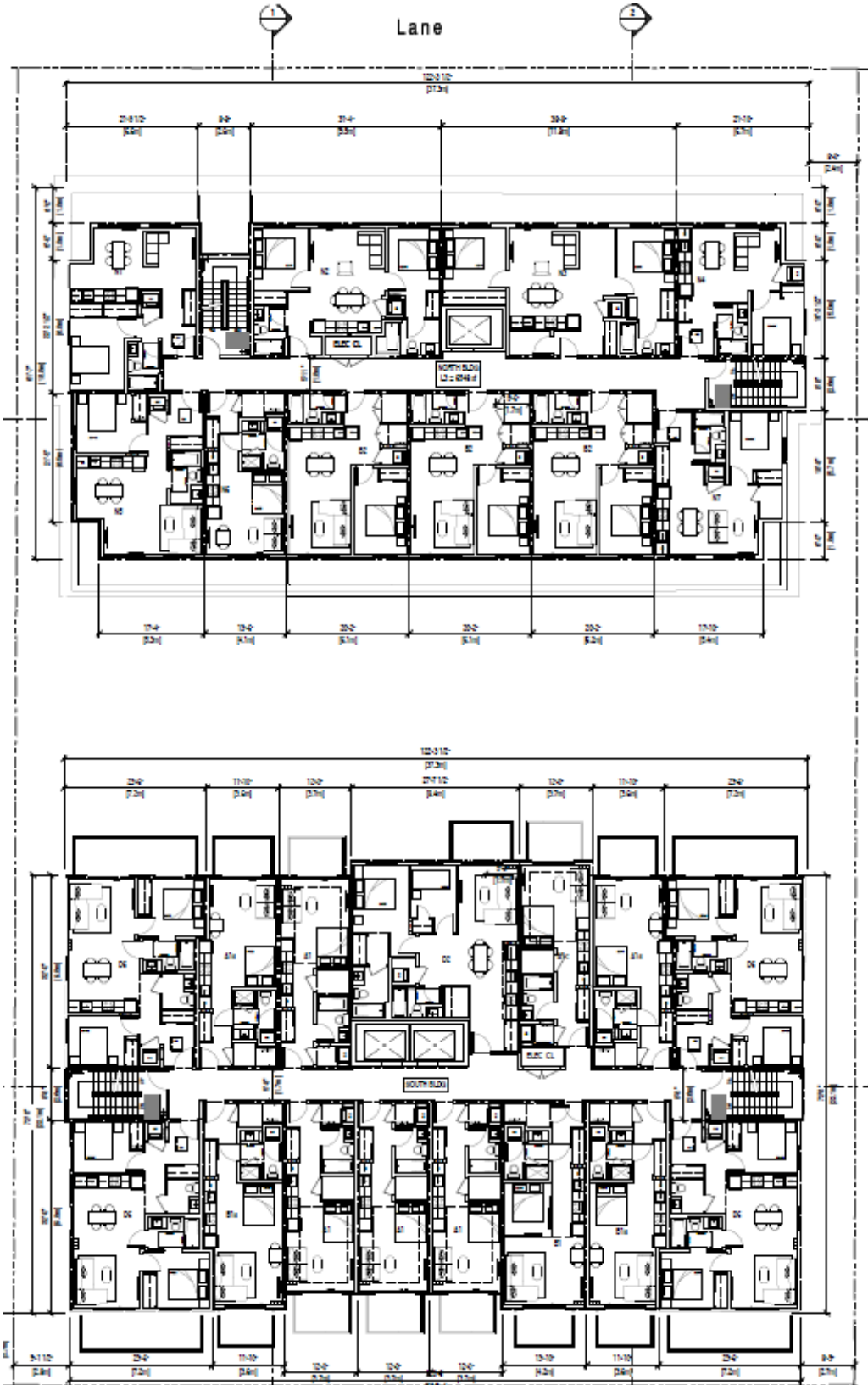


Site Plan and First Floor Plan



EAST 33rd AVENUE

Typical Floor Plan



Cross Section (Looking East)



Cross Section (Looking West)



Elevations (Looking North)



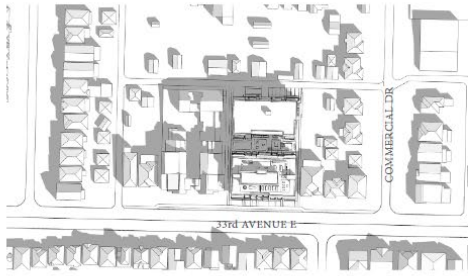
Elevations (Looking South)



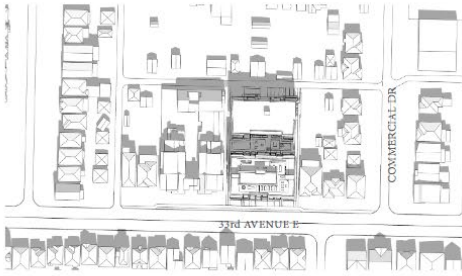
Shadow Study (10 am Spring and Fall Equinoxes)



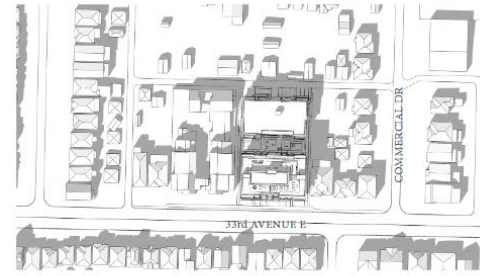
Shadow Studies



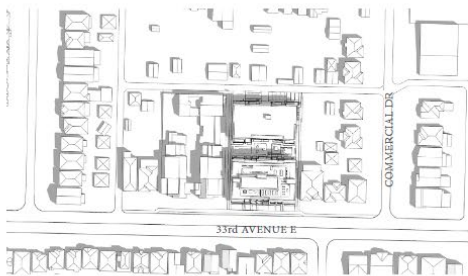
March 21 - 10 am



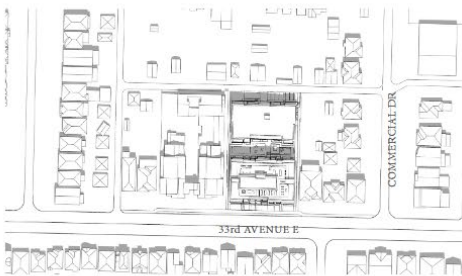
March 21 - 12 pm



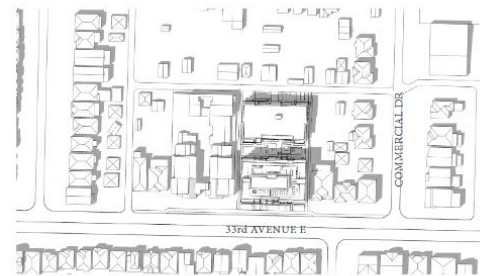
March 21 - 2 pm



June 21 - 10 am



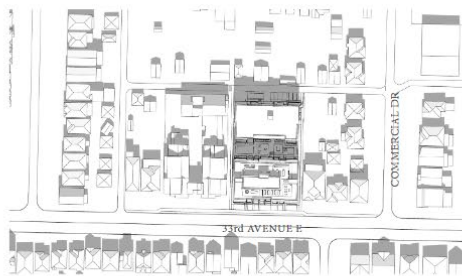
June 21 - 12 pm



June 21 - 2 pm



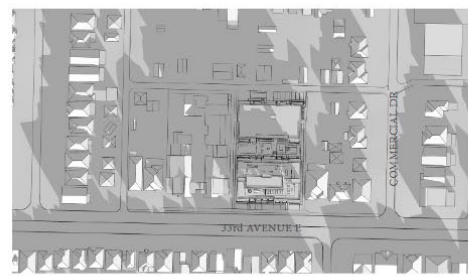
September 21 - 10 am



September 21 - 12 pm



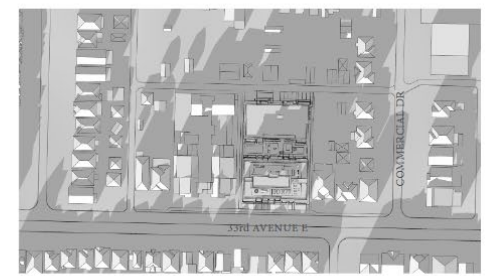
September 21 - 2 pm



December 21 - 10 am



December 21 - 12 pm



December 21 - 2 pm

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**1749-1769 East 33rd Avenue
PUBLIC BENEFITS SUMMARY**

Project Summary

A five-storey residential building and a four-storey residential building containing a total of 109 secured market rental units.

Public Benefit Summary:

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

	Current Zoning	Proposed Zoning
Zoning District	R1-1	CD-1
FSR (site area = 2,838 sq. m / 30,553 sq. ft.)	0.70	2.20
Buildable Floor Space	1,986 sq. m (21,387 sq. ft.)	6,244 sq. m (67,217 sq. ft.)
Land Use	Residential	Residential

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL ^{1, 2}	\$1,465,154
Utilities DCL ¹	\$918,117
Community Amenity Contribution	\$0
TOTAL	\$2,383,271

¹ Based on DCL by-laws in effect as at September 30, 2023. DCL by-laws are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection, see the City's [DCL Bulletin](#) for 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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1749-1769 East 33rd Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	1749-1769 East 33rd Avenue
Legal Description	1749 East 33rd Ave - The West 1/2 of Lot 10 Except the North 10 Feet and The South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349 1757 East 33rd Avenue - The East 1/2 of Block 10, Except the North 10 Feet and The South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349 1765 and 1769 East 33rd Avenue - The West 1/2 of Lot 9, Except the North 10 Feet Now Lane, South 1/2 of District Lot 706 Plan 2349.
Property Identifier (PID)	013-861-085, 008-076-723, PID 013-860-453
Property Owner	Kensington Park Development Nominee Inc. Inc. No. BC1329020
Architect	RWA Architecture

SITE STATISTICS

Site Area	2,838 sq. m (30,553 sq. ft.)
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DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	R1-1	CD-1
Uses	Residential	Residential
Maximum Density	0.70 FSR	2.20 FSR
Floor Area	1,985 sq. m (21,387 sq. ft.)	6,244 sq. m (67,217 sq. ft.)
Maximum Height	11.5 m (37 ft.)	Sub Area A: 19.1 (63 ft.) Sub Area B: 14.9 m (49 ft.) Sub Area A Rooftop Amenity: 21.7 m (71 ft.)
Unit Mix	--	Studio 37 One-bedroom 32 Two-bedroom 40 TOTAL 109
Parking, Loading and Bicycle Stalls	Per Parking By-law	Per Parking By-law
Natural Assets	15 existing on-site By-law trees; 0 City trees	To be confirmed at development permit stage
