



REFERRAL REPORT

Report Date: May 28, 2024
Contact: Robert White
Contact No.: 604.873.7484
RTS No.: 16392
VanRIMS No.: 08-2000-20
Meeting Date: June 11, 2024

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 5455 Balsam Street

RECOMMENDATION TO REFER

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

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

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT, the application by RH Architects Inc., on behalf of Balsam Holdings Ltd., the registered owner of the lands located at 5455 Balsam Street:
- PID 024-424-706; *Amended Lot 3 (See 506320L) Lot 12 Block 17 District Lot 526 Plan 3946;*
 - PID 011-989-831; *the south 50 feet of Lot 4 of Lot 12 Block 17 District Lot 526 Plan 3946;*
 - *Lots 5, 6, 7, 8 & 9 of Lot 12, all of Block 17 District Lot 526 Plan 3946; PIDs 011-989-866, 011-989-882, 011-989-921, 011-989-955, and 011-989-998 respectively;*

to rezone the lands from RM-3 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 1.88 to 3.49 and the building height from 36.6 m (120 ft.) to 40.8 m (134 ft.) with additional height for the portion with rooftop amenity, to permit the development of an additional residential rental building with 145 rental units on a site

containing 88 rental units, all of which will thereafter be secured as market rental housing 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 RH Architects Inc., received November 10, 2021, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT subject to approval 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 Recommendations A and B 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 5455 Balsam Street from RM-3 (Residential) District to CD-1 (Comprehensive Development) District to permit a density of 3.49 FSR and a building height of 40.8 m (134 ft.), under the *Secured Rental Policy* (SRP). The proposal is for an additional residential rental building containing 145 units on a site currently developed with a residential rental building containing 88 units. The combined 233 rental units would be secured by a Housing Agreement and contribute towards the City's stock of secured market rental housing.

Staff have assessed the application and conclude that it meets 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, subject to the public hearing, and conditions contained in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Vancouver Plan (2022)
- Secured Rental Policy (2012, last amended 2023)
- RM-3 District Schedule (last amended 2021)
- Housing Needs Report (2022)
- Housing Vancouver Strategy (2017)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families With Children Guidelines (1992, last amended 2022)
- Green Buildings Policy for Rezoning (2010, last amended 2023)
- Urban Forest Strategy (2014, last amended 2018)
- Latecomer Policy (2021)
- Community Amenity Contributions Policy for Rezoning (1999, last amended 2023)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183

REPORT

Background/Context

1. Site and Context

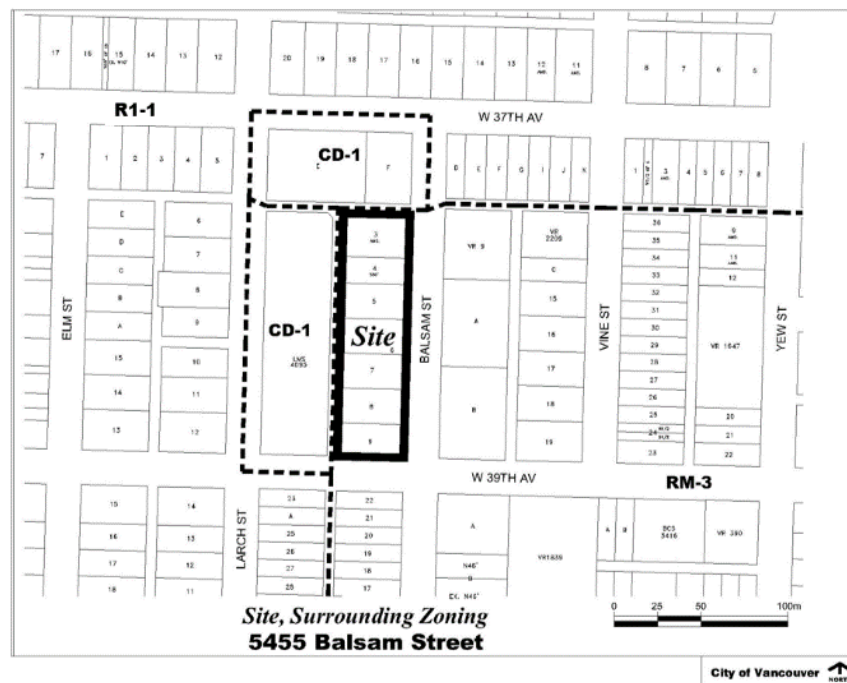
The 5,347.4 sq. m (57,559 sq. ft.) subject site in the Kerrisdale neighbourhood is comprised of seven rectangular lots located at the northwest corner of Balsam Street and West 39th Avenue (see Figure 1). This corner site has a frontage of approximately 140 m (458.8 ft.) along Balsam Street and 38 m (125.7 ft.) along West 39th Avenue. The site is developed with a 14-storey residential building constructed in the 1960s with 88 unsecured market rental units, including landscaped areas to the north and south and an outdoor pool for building residents. The existing building is located on the southern portion of the site, with a hardscaped garden and underground parkade on the northern portion.

The site, located within a residential neighbourhood, is approximately 200 m from the Kerrisdale shopping district, and in close proximity to transit, the Ridgeway Greenway and the Arbutus Greenway. The area is comprised of a diverse mix of detached and multi-unit houses, and low-rise and high-rise rental and condominium buildings ranging from three to 14 storeys, and one to three-storey commercial buildings along West 41st Avenue and West Boulevard.

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

- **Public Parks:** Elm Park (270 m), Kerrisdale Park (500 m), Ravine Park (550 m), and Kerrisdale Centennial Park (600 m).
- **Community Spaces:** Kerrisdale Cyclone Taylor Arena (500 m) and Kerrisdale Community Centre, including pool and library (600 m).
- **Childcare Facilities:** There are four childcare facilities within 1 km of the site.

Figure 1: Surrounding Zoning and Context



Local School Capacity – The site is located within the catchment area of Quilchena Elementary School, and Point Grey Secondary School, both schools an approximately 800 m walk to the east. According to the Vancouver School Board (VSB)’s 2020 *Long Range Facilities Plan*, Quilchena Elementary School will be operating above capacity in the coming years, with a capacity utilization at 103% by 2029 and Point Grey Secondary School will be operating under capacity, with a capacity utilization at 74% by 2031. The City coordinates with the VSB to inform decision-making and reduce enrolment pressure, recognizing that some schools are full, but there is overall surplus capacity within their system. The VSB continues to monitor development and work with City staff to plan for future growth.

2. Policy Context

Vancouver Plan (2022) – The *Vancouver Plan* was approved by Council on July 22, 2022 and is a land use strategy to guide long-term growth of the City over the next 30 years. The Plan serves 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.

The *SRP* outlines the following locational eligibility criteria for sites in multi-family RM-3 areas:

- Where existing rental units do not currently exist, and
- Infill development where appropriate on sites where existing tenants are not displaced.

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

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

Strategic Analysis

1. Proposal

This application proposes to rezone the site to permit an additional 14-storey residential building including 145 units of market rental housing, with a partial 15th-storey for indoor amenity space contiguous with outdoor amenity space (see Figure 2). This proposed building has a floor area of 8,587 sq. m (92,430 sq. ft.) and a height of 40.8 m (134 ft.) for a combined floor area for both buildings of 18,662.4 sq. m (200,881 sq. ft.) and an overall density of 3.49 FSR (see Figure 3). Vehicle and bicycle parking for both buildings will be located underground with access off the lane and includes replacement of the existing parking for the current residents.

2. Land Use

The current zoning of the site and immediate surroundings is RM-3, which permits residential development, including high-rise apartment buildings, and encourages open space and daylight access. The proposed residential use is consistent with land uses in the *SRP*.

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

Height – The *SRP* anticipates that building heights adhere to existing height limits outlined in the current RM-3 zoning, 36.6 m (120 ft.). The proposal is for a 14-storey building to a height of 40.8 m (134 ft.), with partial 15th-storey rooftop amenity space. This additional height slightly deviates from the *SRP*, and is in response to the goal of securing rental housing while meeting the urban design objectives expected in the current RM-3 zoning, including a smaller building footprint and a larger open space along with rooftop amenity.

Density – The *SRP* anticipates additional floor area to support 100% rental tenure. Under the existing RM-3 zoning, the maximum FSR is 1.0 with incentive density for the provision of open space. The proposed density is 3.49 site-wide for two apartment buildings and is consistent with similar building forms approved on other large RM-3 sites to deliver market rental housing.

Form of Development – The form of development is consistent with the *SRP* for tower infill development on a large RM-3 site, given the large site area and the extent of open space on the existing site. The application proposes a 14-storey tower with a four-storey podium located on the northern half of the site. The proposal complies with tower separation requirements, meets expectations for open space and daylight access, and achieves general urban design objectives for contextual fit, shadow performance, and neighbouring relationships.

Private Open Space: The proposal provides high-quality open spaces for outdoor activities and greenery. The outdoor amenity area to the south of the existing tower, which includes mature

trees and a swimming pool, will remain. The open space between the two buildings is proposed as an outdoor amenity space shared by residents in both buildings. Additionally, the large existing green area on the northern end of the site will be expanded, contributing to park-like open space with mature trees, tranquil paths, and a children's play area.

Figure 2: View of proposal from Balsam Street



Daylight Access: Adequate access to daylight and sky views from adjacent public realm areas and private properties is anticipated in RM-3 zones. Given the proposed open space, large tower separation, compact tower floorplate, and consistent setbacks, staff determine that access to daylight and openness to the sky are not significantly impacted and are comparable to other residential areas in the city.

Contextual fit: The neighbourhood is characterised by a mix of low-rise apartment buildings, high-rise buildings, and large landscaped open spaces in between. The proposed infill building and the open spaces are consistent with this prevailing pattern of development. While a podium attached to a tower is not a typical form in this area, the proposed podium matches the height and setbacks of other low-rise buildings and is deemed an appropriate fit into the context and provides opportunities for ground-oriented units.

Shadow performance: Since the site is north-south orientated and the tower is located centrally, the shadow of the proposed tower has a limited impact on neighbouring properties, particularly when considering the existing building, and the maturing trees on site and adjacent streets.

Neighbouring relationship: The proposal incorporates design measures to mitigate the impacts on the surrounding neighbours, including providing ground-oriented units along the street and the lane, maintaining mature trees at site edges, and providing adequate building separation to the existing tower. Staff prepared conditions in Appendix B to require refinements to the layouts of units and the outdoor amenities at development permit stage to further reduce the privacy and noise impacts on the existing tower on-site.

Figure 3: View of the existing rental tower and proposed infill tower (looking northwest)



Public Realm Interface – A key urban design objective of the infill development is to respect the established characters of the public realm in this area. The neighbourhood streets are characterized with mature trees and landscaped front yards. The proposal maintains the trees at the perimeter and provides a consistent front yard setback. The proposed ground-level units and private patios create an active and sociable street edge, while also allowing for continuous landscape treatment that interfaces with the public realm.

Private Amenity Space – The development offers co-located indoor and outdoor amenity spaces at multiple locations in the building, including ground level, podium rooftop, and tower rooftop. Conditions in Appendix B recommend larger indoor amenity spaces, improved connections between indoor and outdoor amenity spaces, and maximum solar exposure for children’s play areas.

Unit Livability – The unit layout and design are required to align with the Zoning and Development By-law and the *High-Density Housing for Families with Children Guidelines*. Staff note that some unit sizes appear small and anticipate improvements to unit design and layouts at the development permit stage, in response to conditions in Appendix B, which may result in changes in unit mix and count.

Urban Design Panel – The Urban Design Panel reviewed the project on March 2, 2022 and unanimously supported this application with recommendations on improvements to amenity provision and architectural expression (see Appendix D).

Conclusion – Staff reviewed the recommendations of the Urban Design Panel, as well as the site-specific conditions, and have concluded that the proposed built form, height and density meet the intent of the *SRP* and represent a balanced response to the goals of policy in securing rental housing. Staff support the application subject to the Urban Design conditions detailed in Appendix B.

4. Housing

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add 145 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 4). In addition, the existing 14-storey building with 88 rental units on the site will be retained and secured through a legal agreement as market rental.

Figure 4: Progress Towards 10 Year Housing Vancouver Targets for Secured Market Rental Housing as of March 31, 2024

Housing Type	10-Year Targets	Units Approved Towards Targets
Purpose Built Market Rental Units	20,000	18,641 (93%)

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

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

Vacancy Rates – Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2023, the purpose-built apartment vacancy rate was 0.8% in Vancouver. The vacancy rate (based on Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the Westside/Kerrisdale area, in which this site is located, is 1.1%. A vacancy rate of between 3% and 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. The proposed new building in this application includes 36.6% family units, with two-bedroom units, thereby exceeding the policy. These units must be designed in accordance with the *High-Density Housing for Families with Children Guidelines*. The application as proposed is consistent with the policy and a provision is included in the CD-1 By-law to meet the minimum unit mix requirements.

Average Rents and Income Thresholds – Average rents for units on the westside 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 westside 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.

Security of Tenure – Purpose-built rental housing offers secure rental tenure. All 145 new units in the proposal and the existing 14-storey building with 88 rental units on the site will be retained and secured through a Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of both buildings. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units.

Tenants – The portion of the site proposed for development through this rezoning application is currently the existing underground parking lot that does not have any residential units and there are no eligible tenants as defined under the *Tenant Relocation and Protection Policy*. There is a 14-storey building with 88 rental units that will remain on the southern half of the site. The tenants will be able to remain in their units and have been informed about the development. All residential tenancies are protected under the provincial Residential Tenancy Act.

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

	Newer Rental Buildings Westside			Monthly Costs of Ownership for Median-Priced Apartment –Westside (with 20% down payment)		
Unit	Average Unit Size	Average Market Rent ¹	Average Household Income Served	Monthly Costs of Ownership ²	Average Household Income Served	Down-Payment at 20%
Studio	391 sq. ft.	\$1,902	\$76,080	\$2,837	\$113,480	\$106,000
1-bed	553 sq. ft.	\$2,306	\$92,240	\$3,473	\$138,920	\$132,000
2-bed	747 sq. ft.	\$3,372	\$134,880	\$5,193	\$207,720	\$198,400
3-bed	n/a	\$4,434	\$177,360	\$7,982	\$319,280	\$311,890

¹ Data from the October 2023 CMHC Rental Market Survey for apartments in purpose-built rental buildings completed in the year 2014 or later on the Westside of Vancouver

²Based on the following assumptions: median of all BC Assessment strata apartment sales prices in Vancouver Westside in 2021 by unit type, 20% down-payment, 5% mortgage rate (in-line with Bank of Canada conventional rate), 25-year amortization, \$250-\$350 monthly strata fees and monthly property taxes at \$2.92 per \$1,000 of assessed value (2021 assessments and property tax rate).

5. Transportation and Parking

The site is served by regular bus service along West 41st Avenue and West Boulevard/Arbutus Street, both of which form part of TransLink's Frequent Transit Network (FTN). This includes service by the R4 rapid bus along West 41st Avenue.

The application proposes three levels of underground parking accessed from the lane, including 142 vehicle parking spaces, 312 bicycle spaces, 1 Class B loading space, and 1 passenger loading space. Parking and loading are to meet the Parking By-law.

Engineering conditions related to transportation, public realm and parking are contained in Appendix B and include traffic calming in the lane to the north and west of the site, as well as new sidewalks adjacent the site along Balsam Street and West 39th Avenue, and upgraded street and lane lighting. In addition, as the new building is proposed at the location of the current underground parking on site, the applicant will be required to provide parking for existing residents within close proximity to the site for the duration of construction.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezonings* requires that applications satisfy either the near zero emission buildings or low emissions green buildings conditions. This application is pursuing the low emissions green buildings requirements, which establishes energy and carbon limits to create more efficient and comfortable homes and workplaces. The applicant has submitted a design strategy outlining how the project will meet targets. Conditions are included in Appendix B.

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 permission to remove

trees that meet certain conditions to protect as many healthy, viable trees while still meeting the challenges of development and housing priorities.

There are 10 street trees adjacent the site, eight of which are mature, including a notably large 162 cm diameter big-leaf maple tree on Balsam Street. Protection of these street trees during construction is required. There are approximately 30 existing trees on the site, of which three will be removed as they are located within the proposed building area or its foundations.

The grove of healthy, maturing trees at the north end of the site will be retained and protected, and a small children’s nature-play area will be added along with walking paths and benches. A landscaped amenity space is proposed between the new building and the existing building, and the landscaping and pool area will remain south of the existing building. See Appendix B for landscape and tree conditions.

7. Public Input

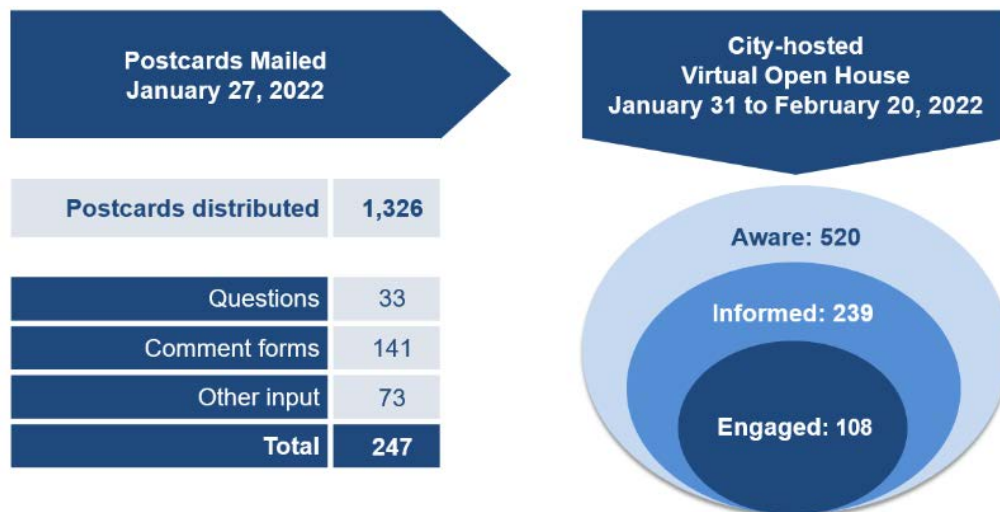
Public Notification – A rezoning information sign was installed on the site on January 18, 2022. Approximately 1,326 notification postcards were distributed within the neighboring area on or about January 27, 2022. Application information and an online comment form was provided on the Shape Your City (shapeyourcity.ca) platform.

Virtual Open House – A virtual open house was held from January 31 to February 20, 2022. 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 by 520 people.

Public Response and Comments – Public input was collected via online questions, comment forms, through email, and by phone. A total of 247 submissions were received. Following is a summary of feedback received from the public by topic.

Figure 6: Overview of Notification and Engagement



Generally, comments of support fell within the following areas:

- **Height, massing, density, location:** Comments noted this development's height and density would be a good addition to the surrounding neighbourhood.
- **Rental Stock:** Comments noted the creation of additional rental stock in a well serviced neighbourhood such as Kerrisdale would create opportunities to welcome students, families, and other individuals and help address the housing crisis.

Generally, comments of concern fell within the following areas:

- **Height, massing, density, location:** The density and height proposed does not fit the current neighbourhood character and the proposed building would impede private views, block sunlight, and cast shadows onto neighbouring residential buildings.
- **Family Housing:** The limited family-sized units and unit sizes proposed would deter potential families from renting in comparison to existing buildings that offer more square footage at lower prices.
- **Traffic and Safety:** The possible increased congestion around the neighbourhood and safety concerns. Comments suggested the lane is at maximum capacity, and expressed concern that service vehicles such as HandyDARTs and ambulances would not be able to enter the lane due to the high traffic.
- **Noise and Disruption:** The construction of the development, if approved, would create undesirable noise pollution and cause disruptions for nearby residents, particularly seniors living in the existing tower on the site.
- **Building Management:** Concern with existing building maintenance and management. Residents provided examples such as not salting and shoveling snow in the winter, not responding to repair requests, and not providing proper maintenance to common amenities such as the swimming pool.

Response to Public Comments

Height, massing, density, location: The proposed height and density is an appropriate response to the surrounding context of residential apartment buildings and towers, with excellent access to transit, bikeways, community amenities, shopping and services.

Family Housing: The proposal meets the minimum 35% family unit requirement.

Traffic and Safety: Engineering conditions in Appendix B include traffic calming measures for the lane, new street and lane lighting, and new sidewalks. The proposal also makes use of an existing parkade ramp to minimize traffic conflicts in the lane.

Noise and Disruption: Disruptions will be minimized as much as possible, and construction must abide by City by-laws.

Building Management: The owners are aware of the concerns expressed regarding upkeep and response to severe weather events and commit to improving management of the property.

8. Public Benefits

Community Amenity Contributions (CAC) – The application is subject to the *Community Amenity Contributions Policy for Rezoning*s with CACs based on a negotiated contribution. The applicant has offered a cash CAC of \$7,500,000. Staff recommend that the offering be accepted and that 95% of the amount be allocated toward public benefits in and around the Arbutus Ridge, Kerrisdale, and Shaughnessy area such as expansion and renewal of the Kerrisdale Community Centre Complex and nearby transportation improvements, with an allocation of 5% to the City's Heritage Reserve Fund.

Development Cost Levies (DCLs) – The site is subject to the City-wide DCL and Utilities DCL, which will be calculated on the floor area proposed at the development permit stage.

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

Based on rates in effect as of September 30, 2023, and the proposed 92,430 sq. ft. of new residential floor area, the DCLs are estimated to be \$3,277,568. See Appendix E for a summary of the public benefits for this application.

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

Financial Implications

As noted in the Public Benefits section, this project is expected to provide a cash CAC and a DCL payment. See Appendix E for additional details.

CONCLUSION

Staff have reviewed the application to rezone the site at 5455 Balsam Street from RM-3 to CD-1 to permit the development of an additional 14-storey residential building with 145 rental housing units and secure the existing 88 rental units, and conclude the application is consistent with the objectives of the *SRP*. Staff further concluded that the recommended form of development represents an appropriate urban design response to the site and its context. If approved, this application would contribute towards the housing goals outlined in the *Housing Vancouver Strategy*.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to a public hearing, together with a draft CD-1 By-law generally as set out in Appendix A, and that, subject to the public hearing, the application including the form of development as shown in the plans in Appendix C, be approved in principle, subject to the application fulfilling the Conditions of Approval in Appendix B.

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**5455 BALSAM STREET
PROPOSED CD-1 BY-LAW PROVISIONS**

Note: A By-law 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 ().

Uses

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

Conditions of use

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

Floor area and density

- 5.1 Computation of floor area must assume that the site area is 5,347.4 m², being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.
- 5.2 The maximum floor space ratio for all uses combined is 3.49, except that:

- (a) the floor area of the building existing on the site as of [**date of enactment of by-law**] must not be increased; and
 - (b) the maximum floor space ratio for all new buildings on the site is 1.61.
- 5.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.
- 5.4 Computation of floor area must exclude:
- (a) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that:
 - (i) the total area of these exclusions must not exceed 12% of the permitted floor area; and
 - (ii) the balconies must not be enclosed for the life of the building.
 - (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
 - (c) floors or portions thereof that are used for:
 - (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,
 - (ii) bicycle storage, and
 - (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;
 - (d) entries, porches and verandahs if the Director of Planning first approves the design;
 - (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 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.
- 5.5 The Director of Planning or Development Permit Board may exclude common amenity areas from the computation of floor area, to a maximum of 10% of the total permitted floor area, if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.

Building height

- 6.1 Building height must not exceed 40.8 m.
- 6.2 Despite section 6.1 of this by-law and the 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, rooftop access structures and mechanical screening, the height of the portions of the building with the permitted common rooftop amenity space or mechanical appurtenances must not exceed 46.2 m.

Horizontal angle of daylight

- 7.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 7.2 For the purposes of section 7.1 above, habitable room means any room except a bathroom or a kitchen.
- 7.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 7.4 The plane or planes referred to in section 7.3 above must be measured horizontally from the centre of the bottom of each window.
- 7.5 An obstruction referred to in section 7.3 above means:
 - (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 7.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if:
 - (a) the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines; and
 - (b) the minimum distance of unobstructed view is at least 3.7 m.

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5455 Balsam Street
CONDITIONS OF APPROVAL

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

PART 1: CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by RH Architects Inc. received November 10, 2021, and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

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

Urban Design

- 1.1 Design development to mitigate privacy and noise impacts on the neighbours. Considerations may include, but are not limited to:
 - (a) Enhancing landscape buffer at the perimeter of outdoor amenity spaces and relocating the activity areas away from nearby units;
 - (b) Reorienting windows and balconies on the south side of the podium to reduce the overlook into neighbouring windows on the existing tower; and
 - (c) Considering incorporating frosted glass railings, landscape screens, or other design measures to enhance privacy when appropriate.

- 1.2 Design development to the lane interface to create a friendlier and safer residential lane environment. Considerations may include, but are not limited to:
 - (a) Improving the podium design to better respond to the intimate scale of the lane and neighbouring townhouses;

Note to Applicant: This may be achieved by further emphasizing the two-storey expression at the base of the building, breaking up the scale of the continuous balconies, and articulating the façade with more variations, such as varied setbacks of the wall plane and changes in colour and material.
 - (b) Relocating the bicycle elevator and staircase within the building envelope or maximize the use of transparent material to enhance natural surveillance;
 - (c) Considering orienting the loading bay perpendicular to the lane to minimize the impacts to the adjacent dwelling units and allow for more landscape area at the lane edge; and

- (d) Minimizing the exposure of retaining walls and planters, and enhancing the landscape treatments at the lane edge. See also Landscape condition 1.8.
- 1.3 Design development to enhance the amenity. Considerations may include, but are not limited to:
- (a) Providing adequate indoor amenity space commensurate with number of units;

Note to Applicant: It is recommended to provide usable indoor amenity space at a minimum of 15 sq. ft. per unit, requiring approximately 300 sq. ft. of additional floor area designated for indoor amenities. The space program should be considered at the development application stage and reflect the needs of residents, including social gatherings, relaxation, recreation, exercise, study and tutoring, repair and maintenance, pet/bike wash, etc.
 - (b) Improving the visual and physical connection between indoor and outdoor amenity spaces for better interaction and supervision; and
 - (c) Locating a children's play area on the tower rooftop for maximum solar exposure. See also Landscape condition 1.13.
- 1.4 Design development to the rooftop appurtenances, including mechanical equipment and screens above the existing stair and mechanical room, to mitigate perceived building height and visual impact.
- 1.5 Design development to ensure a high standard of livability for all new dwelling units. Considerations include, but are not limited to:
- (a) Adequate access to daylight and views, particular for deep, narrow, or irregularly shaped units;
 - (b) Usable balconies/patios for all dwelling units. Sunken patios should be avoided; and
 - (c) Functional unit design and layouts to meet the daily living needs of residents.

Note to Applicant: The unit layout and design should meet the minimum unit size required in the Zoning and Development By-law and the *High-Density Housing for Families with Children Guidelines*. Responding to these conditions may result in changes in unit count and unit mix, which will be determined under the discretion of the Director of Planning or Development Permit Board.
- 1.6 Design development to the architectural design to demonstrate good practice in sustainable design and energy efficiency.

Note to Applicant: This may be addressed by reconsidering the extent of vertical and horizontal projecting elements to reduce thermal bridging, avoiding large window areas facing south and west, and/or integrating effective shading devices.

Landscape

- 1.7 Design development to increase the visual prominence of the front entrance as viewed from the street.

Note to Applicant: This can be done by increasing the hardscaping and the reallocation of plant material.

- 1.8 Design development to increase the greening of the lane while minimizing the height of retaining walls.

Note to Applicant: Refer to urban design condition 1.2. Planters should be set back from the lane and no higher than 0.2 m. To provide the adequate soil depth for trees, the slab may need to angle down into the parking level.

- 1.9 Design development to the rooftop area to align a childcare area with the urban agriculture plots and interior amenity room.

Note to Applicant: For specific design performance objectives, refer to the *High-Density Housing for Families with Children Guidelines*, and *Urban Agriculture for the Private Realm Design Guidelines*.

- 1.10 Provision of additional large-scale plans, landscape details and a written program for the green space.

Note to Applicant: Provide a circulation, wayfinding and program plan to highlight primary/ secondary paths of movement, active spaces, signage, lighting and fencing, where applicable.

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

- (a) soil volume overlay plan;
- (b) grading plan(s) indicating intent to direct rainwater to infiltration zones; and
- (c) vegetative cover overlay plan(s) with calculations for percentage of: green roof coverage, permeable/impermeable coverage, and notations describing rainwater storage locations.

- 1.12 Verification that the green roof elements will be provided at the development permit stage and the structure will be designed accordingly.

- 1.13 Provision of additional large-scale details for the at-grade residential patio interface urban agriculture and children's play areas.

Note to Applicant: On the rooftop amenity areas, ensure urban agriculture garden plots should include hose bib(s), potting benches, tool storage and composting.

- 1.14 Application of the principles of the City of Vancouver, *Bird-Friendly Design Guidelines* for the protection, enhancement and creation of bird habitat and to reduce potential threats to birds in the City.

Note to Applicant: Refer to

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>

<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

Provision requirements at the time of development permit application:

- 1.15 Provision of a detailed Landscape Plan illustrating soft and hard landscaping;

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

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

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

- 1.17 Provision of a vegetative coverage calculation sheet, included with the landscape plans;

- 1.18 Provision of a soil depth overlay sheet, included with the landscape plans;

- 1.19 Provision of an outdoor lighting plan;

Note to Applicant: Refer to Dark Night Design Principles.

<https://vancouver.ca/files/cov/outdoor-lighting-design-tips.pdf>. Provide dimmers and timers for lights where feasible.

- 1.20 Provision of an updated arborist report and related tree retention measures, where necessary;

- 1.21 Provision of a high-efficiency automatic irrigation system for all planted areas;

Note to Applicant: Provide a partial irrigation plan demonstrating intent, including notations, legend and symbols to confirm stub out and hose bib locations. Any limitations to the installation of hose bibs on private decks to be brought to the attention of staff in the written response.

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

Note to Applicant: Bird friendly plants should be included on the plant palette, enabling bird habitat conservation and bird habitat promotion. Refer to the *Bird Friendly Design Guidelines* for examples of landscape features that may be applicable, and provide a design rationale for the features noted. Refer to:

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>

<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

- 1.23 Provision of a detailed arborist “letter of undertaking” containing an outline of specific arborist duties during the project;

Note to Applicant: to include signatures by the owner, contractor and arborist to 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.

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

Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Engineering Services (Streets Design Branch) at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. New street trees to be confirmed prior to issuance of the building permit. Call Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion.

- 1.25 Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note:

“Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees. Methods of tree protection for street trees to be approved by Park Board”.

Note to Applicant: Methods of tree protection for street trees (as approved by Park Board) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection. Please contact Engineering services as soon as possible to begin the process for confirming the trenching locations for Sewer and for Water.

Sustainability

- 1.26 All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended Aug 17, 2022) 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

- 1.27 The owner or representative is advised to contact Engineering to acquire the project's permissible street use. Prepare a mitigation plan to minimize street use during excavation & construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.
- 1.28 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.
- 1.29 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (Street Restoration Manual section 02596 and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site. Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the building permit stage with final design achievements certified and confirmed with survey and photographic evidence of removals and protection of adjacent utilities prior to building occupancy. Provision of written acknowledgement of this condition is required. Please contact Engineering Services for details.
- 1.30 Provision of a landscape and site plan that reflect the improvements to be provided as part of the Services Agreement.
- 1.31 Provision of a finalized Transportation Demand Management (TDM) Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Council approved amendments to the Parking By-law and the Transportation Demand Management (TDM) Administrative Bulletin. These requirements will apply to site development permits following this rezoning.

- 1.32 Design development to improve access and design of bicycle parking by performing the following:
 - (a) Provision of a dedicated bicycle elevator for all bicycle spaces located below the first underground level;

Note to Applicant: The elevator is to have doors on both ends to allow bicycles to easily roll in from one end and roll out the other. The elevator to be a freight style elevator with durable finishes to comfortably accommodate two people with two bicycles and provide minimum interior dimensions of 1.7m (5.5 ft) x 2.0m (6.7 ft) A separate bicycle call button is to be provided on all floors requiring bicycle access to allow users to call the bicycle elevator directly. Accommodation of oversized bicycles within this elevator may increase requirements.
 - (b) Provision of an alcove for the bike room access off the vehicle parking ramp and maneuvering aisle;

1.33 Design development to improve access and design of loading spaces and demonstrate compliance with the Parking and Loading Design Supplement by performing the following:

- (a) confirmation that the slope of the loading bay does not exceed 5%; and
- (b) provision of a minimum 10.7 m (35 ft.) of stall length for the parallel Class B loading space.

Note to Applicant: Amendments to loading rates and design requirements in the Parking By-law were approved by Council on November 15th, 2023. New requirements came into effect January 1st, 2024 and apply to all development permits received after this date.

1.34 Design development to improve the parkade layout and access design and demonstrate compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services:

- (a) Confirmation that column encroachments, setbacks and parking space widths comply with the Parking and Loading Design Supplement; and

Note to Applicant: Column encroachments are not permitted in single module stalls. 2.3 m (7.5 ft.) of vertical clearance is required for access and maneuvering to all disability spaces.

- (b) Confirmation that vertical clearance of overhead projections into vehicle parking spaces are not less than 1.2 m (4.0 ft.) and projection into the space is not more than 1.2 m (4.0 ft.).

Note to Applicant: Overhead projections into disability spaces are not permitted.

1.35 Provision of the following information as part of the drawing submission at the development permit stage to facilitate a complete Transportation review:

- (a) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being provided;
- (b) All types of parking and loading spaces individually numbered and labelled;
- (c) Dimension of any/all column encroachments into parking stalls;
- (d) Identification of all columns in the parking layouts;
- (e) Dimensions for typical parking spaces;
- (f) Dimensions of additional setbacks for parking spaces due to columns and walls;
- (g) Dimensions of manoeuvring aisles and the drive aisles at the parkade entrance and all gates;

- (h) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates;

Note to Applicant: These clearances must consider mechanical projections and built obstructions.

- (i) Details on the ramp/parkade warning and/or signal systems and locations of lights, signs and detection devices to be shown on the plans;

- (j) Areas of minimum vertical clearances labelled on parking levels;

- (k) Design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, disability spaces, and at all entrances;

Note to Applicant: The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.

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

Note to Applicant: Stair ramps are not generally acceptable.

- (m) Existing street furniture including bus stops, benches etc. to be shown on plans; and

- (n) The location of all poles and guy wires to be shown on the site plan.

1.36 Provision of the following documents during the development permit stage regarding resident parking during construction:

- (a) Provision of a sketch plan of the location of the required accessible spaces (for the original tower) during construction;

- (b) Provision of the lease agreement for the off-site parking spaces being provided during construction; and

- (c) Provision of a plan showing the location of the off-site parking spaces during construction and the route to the existing residential tower.

1.37 Provision of 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.

Note to Applicant: The applicant will be required to demonstrate compliance with these requirements at the Building Permit application stage. vancouver.ca/rainwater

1.38 Provisions of a Final Hydrogeological Study which addresses the requirements outlined in the Groundwater Management Bulletin and includes:

- (a) A Groundwater Management Plan which includes:
 - (i) Anticipated groundwater discharge rates for City approval.

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

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

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

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

- 1.39 Developer's Engineer to submit a sewer abandonment plan to the City that details the following:
 - (a) The abandonment or removal of all existing storm, sanitary, and combined connections to the development site;
 - (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; and
 - (c) The abandonment plan is required to be reviewed and accepted by the City Engineer prior to issuance of the Sewer Permit.
- 1.40 When submitting Landscape plans, please place the following statement on the landscape plan; this plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development Services and/or your Engineering, Building Site Inspector for details."
- 1.41 Provide landscape plans to show proposed offsite works.
- 1.42 Show all City supplied building grades on landscape and architectural plans. To minimize grade differences, interpolate a continuous grade between the points shown on the City supplied building grades plan.

- 1.43 Proposed corner cut dedication on the northwest corner of the site:
- (a) Remove existing retaining wall and concrete pad and restore with standard asphalt pavement structure per City higher zoned laneway specification.

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

- 1.45 Submission of a Key Plan to the City for review and approval prior to submission of any third-party utility drawings is required. The review of third-party utility service drawings will not be initiated until the Key Plan is defined and achieves the following objectives:

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

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

Housing

- 1.46 The proposed unit mix for the additional building, including 57 studio units (39.4%), 35 one-bedroom units (24.2%), and 53 two-bedroom units (36.6%) is to be included in the development permit drawings.

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

- 1.47 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).

PART 2: CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

- 2.1 Arrangements are to be made to the satisfaction of the General Manager of Engineering Services (GMES), the Approving Officer and the Director of Legal Services (DLS) for the consolidation of Amended Lot 3 (See 506320L), The South 50 Feet of Lot 4, and Lots 5 to 9; all of Lot 12, Block 17, District Lot 526, Plan 3946 to create a single parcel and subdivision of that site to result in the dedication of a 10 ft. x 10 ft. corner-cut truncation in the northwest corner of the site for lane 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 Arrangements are to be made to the satisfaction of the GMES and the DLS for release of Easement & Indemnity Agreement 401562M (commercial 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 2.5(a), the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

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

- (a) Provision of adequate water service to meet the fire flow demands of the project.
- (i) Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by R.F.Binnie & Associates Ltd. dated October 13, 2021, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 150mm along Balsam St. Should the development require water service connections larger than 150mm, the developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost of the upgrading.

Note to Applicant: Should the development's Fire Underwriter's Survey Required Fire Flow calculation change as the building design progresses, a resubmission to the City of Vancouver Waterworks Engineer is required for re-evaluation of the Water System.

Note to Applicant: Discontinuation of all water services and installation of a new pair of interconnected services brought into the site to service all buildings is required.

- (b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.
- (i) Implementation of development(s) at 5455 Balsam Street require the following in order to maintain acceptable sewer flow conditions.

Off-site Servicing Upgrade:

- Separate 79 m of existing 300 mm COMB main to 250 mm sanitary and 375 mm storm on Balsam Street from MH_ 421811 fronting 5501 Balsam Street to MH_ 409912 within the intersection of Balsam Street and West 39th Avenue.
- Separate 75 m of existing 375 mm COMB to 300 mm sanitary and 450 mm storm on Balsam Street from MH_ 409912 within the intersection of Balsam Street and West 39th Avenue to MH_ 409902 fronting 5687 Balsam Street.

- Separate 40 m of existing 450 mm COMB to 375 mm sanitary and 525 mm storm on Balsam Street from MH_ 409902 fronting 5687 Balsam Street to MH_ 409823 within the intersection of Balsam Street and West 41st Avenue.

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

Note to Applicant: Development to be serviced to new storm and sanitary service connections off Balsam St at the southeast corner of the site. This twin connection is to service the entire site.

Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. All submittals including Issued for Construction (IFC) drawings are required to be reviewed and accepted by the City Engineer prior to building permit issuance.

- (c) Provision of street improvements along Balsam Street adjacent to the site and appropriate transitions including the following:

- (i) 1.83 m (6.0 ft) wide broom finish saw-cut concrete sidewalk;
- (ii) curb ramps;

Note to Applicant: the new sidewalk must be located a minimum of 0.31 m (1.0 ft.) from the property line and may be reduced in width to 1.53 m (5.0 ft.) around tree "City05" as required to accommodate its retention. Coordination of the construction of the new sidewalk around this tree with staff from Engineering and Parks and Recreation will be required.

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

- (i) 1.83 m (6.0 ft.) wide broom finish saw-cut concrete sidewalk;
- (ii) curb ramps;

- (e) Provision of new or replacement duct banks adjacent the development site that meet current City standards. Duct banks are to consist of electrical and communication ducts sized to meet City needs in a configuration acceptable by the General Manager of Engineering Services and in conformance with applicable electrical codes and regulations. A detailed design will be required prior to the start of any associated street work.

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

- (f) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.
- (g) Provision of upgraded lane lighting to LED fixtures adjacent to the site to current City standards and IESNA recommendations in the lane west of Balsam Street.
- (h) Provision of lane lighting on standalone poles with underground ducts in the lane south of West 37th Avenue. The ducts should be connected to the existing City street lighting infrastructure.
- (i) Provision of 50 mm minimum mill and regrade of the north-south lane and the east-west lane along the development site's frontage.
- (j) Provision of a new standard concrete lane crossings, new curb returns and curb ramps at the existing lane crossings on Balsam Street and West 39th Avenue adjacent to the site.
- (k) Provision of speed humps in the lane east of Larch Street between West 37th Avenue and West 39th Avenue, and speed humps in the lane north of West 39th Avenue between Balsam Street and Larch Street.
- (l) Provision for the installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.

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

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

- (a) Sewer upgrades per condition 2.3(b)(i)

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

Note to Applicant: An administrative recovery charge will be required from the applicant in order to settle the latecomer agreement. The amount, which will be commensurate with the costs incurred by the City to administer the latecomer scheme, will be provided by the City and specified in the latecomer agreement.

Housing

2.6 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into a Housing Agreement and a Section 219 Covenant to secure both the new 145 residential units and the existing 88 rental units on the site, as secured market rental housing units, excluding Seniors Supportive or Assisted Housing, pursuant to the City's *Secured Rental Policy*, for a term equal to the longer of 60 years and the life of both buildings, 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.

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.

Sustainability

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

Community Amenity Contribution (CAC)

- 2.8 Pay to the City the cash Community Amenity Contribution of \$7,500,000 which the applicant has offered to the City and 95% of which is to be allocated to support the delivery of public benefits in and around Arbutus Ridge, Kerrisdale, and Shaughnessy and a 5% allocation to the Heritage Reserve Fund. Payment is to be made prior to enactment of the CD-1 By-law, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services.

Environmental Contamination

- 2.9 Submit a site disclosure statement to Environmental Services;
- 2.10 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
- 2.11 If required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements constructed on the site pursuant to this rezoning until separate Certificates of Compliance, satisfactory to the City, for the on-site and off-site contamination, issued by the BC Ministry of Environment and Climate Change Strategy, have been provided to the City.

Agreements

Note 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 Covenants pursuant to Section 219 of the Land Title Act.

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

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

* * * * *

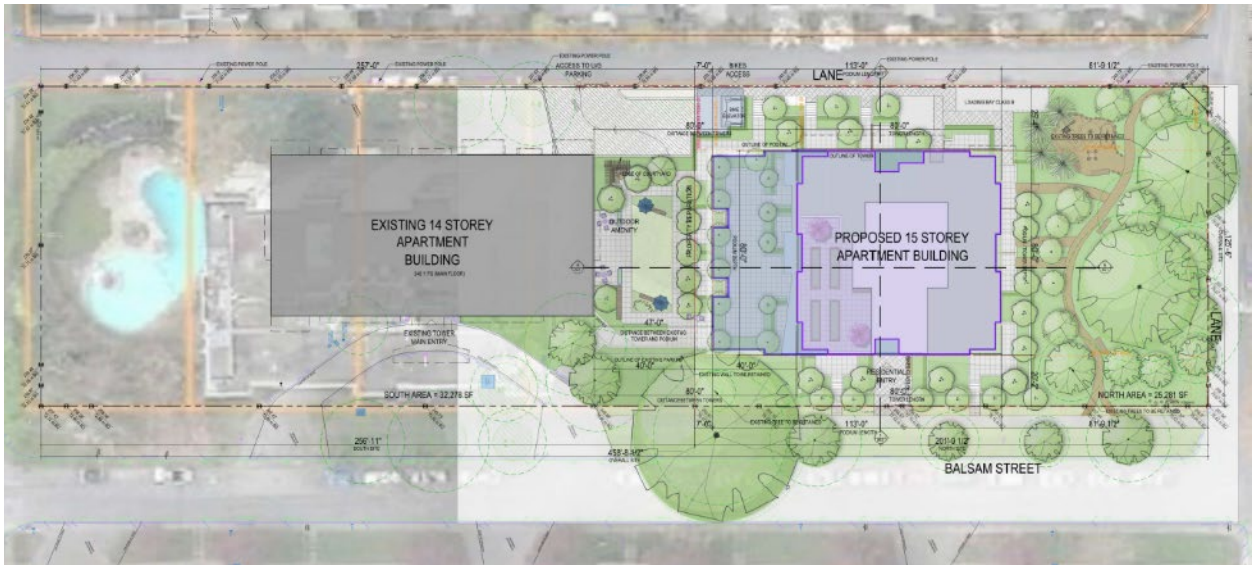
5455 Balsam Street
FORM OF DEVELOPMENT DRAWINGS



Aerial perspective looking southwest



Aerial perspective looking northeast



Site Plan



Main (Level 2) Plan



South Elevation (mid-site)



East Elevation (Balsam Street)



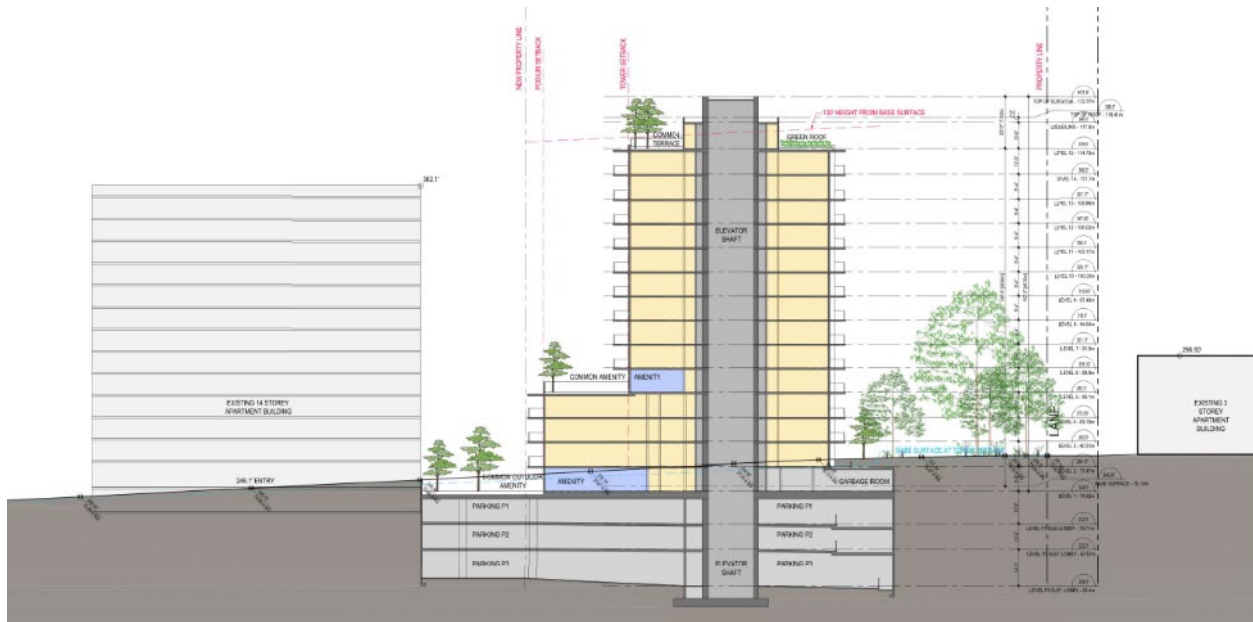
North Elevation (lane)



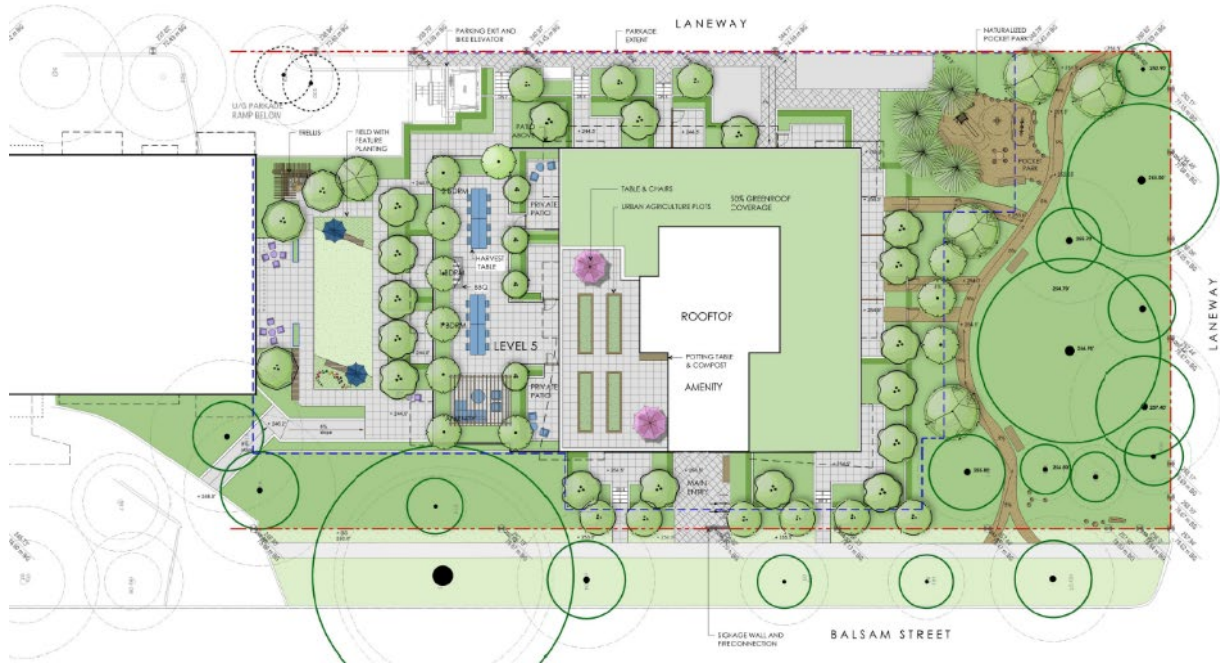
West Elevation (lane)



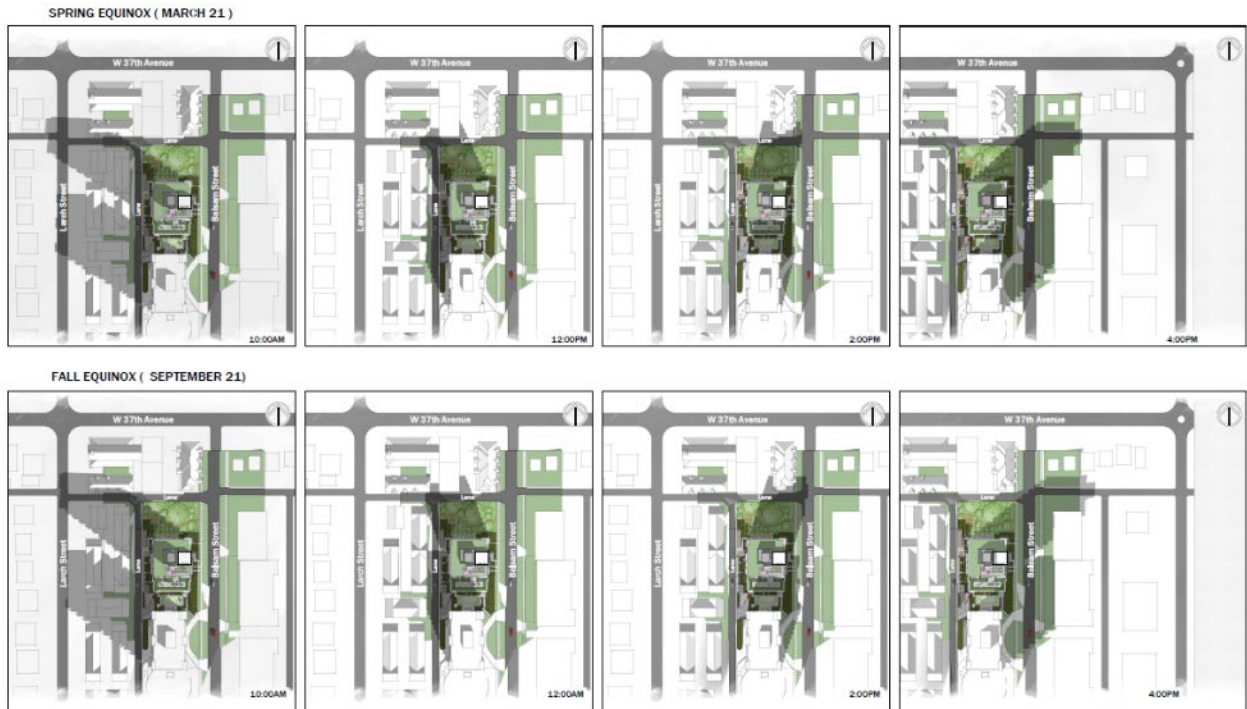
Section (West-East)



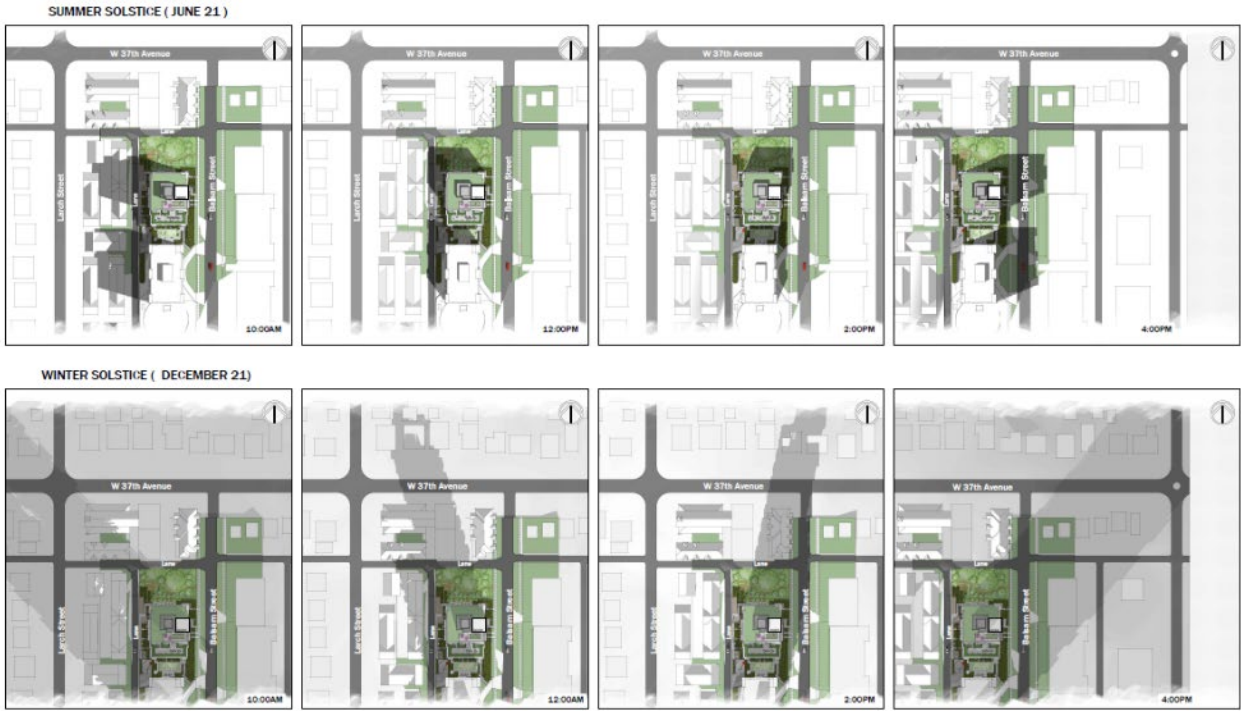
Section (South-North)



Landscape Plan



Shadow Studies (Spring and Fall)



Shadow Studies (Summer and Winter)

* * * * *

**5455 Balsam Street
ADDITIONAL INFORMATION**

1. URBAN DESIGN PANEL MINUTES

The Urban Design Panel (UDP) reviewed this application on March 2, 2022. A summary of the decision is provided below. The full meeting minutes can be found [online](#):

EVALUATION: Support with Recommendations (7/0)

Introduction: Rezoning Planner Robert White provided an overview of the policy for this site. Development Planner Grace Jiang gave an overview of the urban design considerations.

Advice from the Panel on this application is sought on the following:

1. Comment on the overall height and density, in particular the additional height varied from the Policy.
2. Comment on the contextual fit of the new building as it relates to massing, building form, public realm, and impact to adjacent properties.
3. Comment on whether the proposal successfully secures a high quality of open space and daylight access.
4. Advice on the architectural expression to inform a future DP application review, in particular the vertical expression up to the rooftop amenity room.

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

Panel's Consensus:

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

- Review differentiation of facades to respond to adjacency;
- Review differentiation at base, continue to develop the design of exterior spaces for livability;
- Design development of the indoor and outdoor relationship of amenity spaces and relationship to outdoor amenity space;
- Reduce vertical expression and reduce thermal bridging; and
- Consider the thermal bridging of balconies.

2. PUBLIC CONSULTATION SUMMARY

2.1 List of Engagement Events, Notification, and Responses

	Date	Results
Event		
Virtual open house (City-led)	January 31, 2022 – February 20, 2022	520 participants (aware)* <ul style="list-style-type: none"> • 239 informed • 108 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	January 27, 2022	1,326 notices mailed
Public Responses		
Online questions	January 31, 2022 – February 20, 2022	33 submittal
Online comment forms <ul style="list-style-type: none"> • Shape Your City platform 	December, 2021 – March, 2024	141 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	December, 2021 – March, 2024	140 submittals <ul style="list-style-type: none"> • 36 responses • 100 responses • 4 responses
Other input	December, 2021 – March, 2024	73 Submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	December, 2021 – March, 2024	721 participants (aware)* <ul style="list-style-type: none"> • 323 informed • 137 engaged

Note: All reported numbers above are approximate.

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

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

2.2 Map of Notification Area



2.3 Analysis of All Comments Received

Below is an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Height, massing, density, location:** This development's height and density will be a perfect addition to the surrounding neighbourhood.
- **Rental Stock:** With the housing crisis in Vancouver, the creation of additional rental stock in a well serviced neighbourhood such as Kerrisdale will create opportunities to welcome students, families, and other individuals and help address the housing crisis.

Generally, comments of concern fell within the following areas:

- **Height, massing, density, location:** Comments noted the density and height proposed does not fit the current high-density neighbourhood character and the proposed building would impede private views, block sunlight, and cast shadows onto neighbouring residential buildings.
- **Family Housing:** Comments noted the limited units and square footage proposed would deter potential families from renting in comparison to existing buildings that offer more square footage at lower prices.
- **Traffic and Safety:** Comments expressed concern around possible increased congestion around the neighbourhood and safety concerns. The development shares an alley with a church that operates as a day care and an underground parking lot for a

neighbouring building. Comments suggested the alley is at maximum capacity, and expressed concern that service vehicles such as HandyDARTs, ambulances would not be able to enter the alley due to the high traffic.

- **Noise and Disruption:** Comments noted the construction of the development, if approved, would create undesirable noise pollution and cause disruptions for nearby residents. Many respondents noted they live in the existing tower on the site and are seniors that are experiencing mobility challenges.
- **Building Management:** Comments noted dissatisfaction with the potential management of this development. Comments noted concern with existing building maintenance and management. Residents provided examples such as not salting and shoveling snow in the winter, not responding to repair requests, and not providing proper maintenance to common amenities such as the swimming pool.

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 building looks aesthetically pleasing
- In support of bicycle parking spaces for residents and neighbours
- Parking provided is adequate for residents
- The proposed rezoning will help support street activity and business in the area
- In support of keeping existing trees on site as highlighted in the arborist report

General comments of concern:

- The configuration of units with low square footage does not provide sufficient space for tenants to live a quality life
- The provided development is not cost effective and will not attract tenants into renting
- The bicycle infrastructure on 37th should be supported further to accommodate new neighbours
- There are far too many bicycle parking spaces for residents
- Safety concerns pertaining to increased traffic which is close to a church that operates as a day care
- Balsam Street has been used as a shortcut to avoid congestion and have caused multiple accidents as a result. The development will attract more traffic and thus, create unsafe conditions for drivers and pedestrians
- There is a lack of amenity space for families and seniors such as playgrounds and green space
- The proposed development will further strain the limited infrastructure and amenities provided by the neighbourhood
- The old maple tree present should be retained on site and not removed as a result of this development
- The following development will destroy food and habitat for varying species living in the neighbourhood
- The rezoning process lacked site signage and did not notify residents of the community

- Rezoning submission contains inaccurate information pertaining to TAM's and shadow study
- The rezoning defies the vision laid out by the former Arbutus Ridge, Kerrisdale, and Shaughnessy (ARKS) vision

Neutral comments/suggestions/recommendations:

- Additional density should be added to this development
- Additional townhouses should be built rather than the proposed development to provide additional spaces for families
- Some affordable housing units should be allocated towards seniors
- More rental units should be provided and built without the displacement of people
- Some bike spaces should be allocated towards electric/bike sharing services
- Parking should be reduced due to its close proximity to rapid transit and the arbutus greenway
- The city should consider implementing traffic diversions, allowing parking on one side, or implementing a one way street
- Zoning districts should be more streamlined and CD-1s should be utilized less
- There has been little public consultation with residents
- The suite sizes induces a transient renter profile that jeopardizes neighbourhood safety
- Development should be built without a public hearing

* * * * *

5455 Balsam Street
PUBLIC BENEFITS SUMMARY

Project Summary:

Proposal for one additional 14-storey residential building with 145 rental residential units on a site with an existing 14-storey residential building and 88 existing rental residential units. All units will be secured with Housing Agreement.

Public Benefit Summary:

The project would deliver a \$7,500,000 cash CAC, and a DCL payment.

	Current Zoning	Proposed Zoning
Zoning District	RM-3	CD-1
FSR (site area = 5,347.4 sq. m / 57,559 sq. ft.)	1.88	3.49
Floor Area (sq. ft.)	108,211	200,881
Land Use	Residential	Residential

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL ¹	\$2,014,974
Utilities DCL ¹	\$1,262,594
Community Amenity Contribution – Cash	\$7,500,000
TOTAL	\$10,777,568

¹ Based on by-laws in effect as of September 30, 2023. By-laws are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage A development may qualify for 12 months of in-stream rate protection. See the City's [DCL Bulletin](#) for details.

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**5455 Balsam Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Applicant and Property Information

Applicant/Architect	RH Architects Inc.
Owner	Balsam Holdings Ltd.
Developer	Larco Investments Ltd.
Address	5455 Balsam Street
Property Identifiers (PIDs)	024-424-706; 011-989-831; 011-989-866; 011-989-882; 011-989-921; 011-989-955; and 011-989-998
Legal Description	Amended Lot 3 of Lot 12, the south 50 feet of Lot 4 of Lot 12, and Lots 5, 6, 7, 8 & 9 of Lot 12, all of Block 17 District Lot 526 Plan 3946.
Site Area	5,347.4 sq. m (57,559 sq. ft.)

Development Statistics

	Permitted Under Existing Zoning	Proposed								
Zoning	RM-3	CD-1								
Uses	Apartment	Apartment								
Floor Area	10,053.1 sq. m (108,211 sq. ft.)	18,662.4 sq. m (200,881 sq. ft.)								
Maximum Density	1.88 FSR	3.49 FSR								
Maximum Height	36.6 m (120 ft.)	40.8 m (134 ft.)								
Unit Mix	88 units	<table border="0"> <tr> <td>Studio</td> <td align="right">57</td> </tr> <tr> <td>One-bedroom</td> <td align="right">35</td> </tr> <tr> <td>Two-bedroom</td> <td align="right">53</td> </tr> <tr> <td>Total</td> <td align="right">145 + 88</td> </tr> </table>	Studio	57	One-bedroom	35	Two-bedroom	53	Total	145 + 88
Studio	57									
One-bedroom	35									
Two-bedroom	53									
Total	145 + 88									
Parking, Loading, and Bicycle Spaces	As per Parking By-law	<table border="0"> <tr> <td>Vehicle Parking</td> <td align="right">142</td> </tr> <tr> <td>Bicycle Parking</td> <td align="right">312</td> </tr> <tr> <td>Loading Spaces</td> <td align="right">2</td> </tr> </table>	Vehicle Parking	142	Bicycle Parking	312	Loading Spaces	2		
Vehicle Parking	142									
Bicycle Parking	312									
Loading Spaces	2									
Natural Assets	30 on-site trees and 10 City street trees.	Remove 3 on-site trees, plant new on-site trees, retain existing City trees (confirm at development permit stage)								

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