CITY OF VANCOUVER

REFERRAL REPORT

Report Date:	October 5, 2021
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Meeting Date:	October 19, 2021

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 2735 East 41st 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 zoning by-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

A. THAT the application by Barnett Dembek Architects Inc. on behalf of Gulf and Fraser Fishermen's Credit Union, the registered owner of the lands located at 2735 East 41st Avenue [*PID 009-711-899; Lot 9 of Lot C Blocks 2 and 3 District Lot 50 Plan 9268*], to rezone the lands from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.20 to 2.46 and the building height from 10.7 m (35.1 ft.) to 15.5 m (50.8 ft.) to permit the development of a mixed-use building containing 32 secured market rental residential units and ground floor commercial space, 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 Barnett Dembek Architects Inc., received November 30, 2020, 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 application to amend the Sign By-law to establish regulations for the new CD-1, generally as set out in Appendix C, be approved.

D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the new CD-1 in Schedule B, generally set out in Appendix C;

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

E. THAT Recommendations A to D be adopted on the following conditions:

(i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

(ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

(iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report evaluates an application to rezone the subject site at 2735 East 41st Avenue, from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit an FSR of 2.46 and a height of 15.5 m (50.8 ft.), under the *Secured Rental Policy* (*SRP)*. The application proposes a five-storey mixed-use building with commercial space on the ground floor and 32 secured rental housing units.

Staff have assessed the application and conclude that it meets the intent of the *SRP*. If approved, the application would contribute 32 secured rental housing units towards the City's housing goals as identified in the *Vancouver Housing Strategy*. 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 of Approval outlined in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- *Secured Rental Policy* (2019)
- Secured Market Rental Housing Policy (2012, last amended 2019)
- *Rental Incentive Programs Bulletin* (2012, last amended 2020)
- *Housing Vancouver Strategy* (2017)
- *Renfrew-Collingwood Community Vision (*2004*)*
- *C-1 District Schedule and Design Guidelines* (1996, last amended 2021)
- *Family Room: Housing Mix Policy for Rezoning Projects* (2016)
- *High-Density Housing for Families with Children Guidelines* (1992)
- *Green Buildings Policy for Rezonings* (2010, last amended 2018)
- *Community Amenity Contributions Policy for Rezonings (*1999, last amended 2020*)*
- *Vancouver Development Cost Levy By-law No. 9755*
- *Vancouver Utilities Development Cost Levy By-law No. 12183*
- *Urban Forest Strategy* (2014)

REPORT

Background/Context

1. Site and Context

The subject site, zoned C-1 (Commercial) District, is located in the Renfrew Collingwood neighbourhood on the northern side of 41st Avenue, at the corner of Rhodes Street (See Figure 1). It has an area of approximately 1,336 sq. m (14,383 sq. ft.), with a frontage on 41st Avenue of 42.3 m (138.90 ft.) and 32.3 m (106.05 ft.) on Rhodes Street.

This one lot site is occupied by a commercial building and surface parking. The properties to the north, east and west are zoned RT-11 and RT-11N (Residential) District and developed with single-detached and duplex housing. The south side of 41st Avenue contains a four storey mixed-use building zoned CD-1 (Comprehensive Development), a one-storey commercial building zoned C-1 (Commercial) and RS-1 (Residential) zoning, single-detached and duplex housing.

Local School Capacity – The site is located within the catchment area of Cunningham Elementary School at 2330 East 37th Avenue and Gladstone Secondary School at 4105 Gladstone Street. Cunningham Elementary has an operating capacity of 598 students. According to the Vancouver School Board (VSB)'s Long Range Facilities Plan (LRFP), a 2019 enrolment of 354 students (59% of capacity) is forecast to decrease to 46% by 2029. Gladstone Secondary has an operating capacity of 1,600 students. According to the LRFP, there were approximately 970 students enrolled (61% of capacity) in 2019, and the projected enrolment is

forecasted to remain consistent into 2029. Therefore, the catchment schools are estimated to operate under capacity in the coming years.

Figure 1: Site and Surrounding Zoning

Neighbourhood Amenities - The following amenities are within the vicinity:

- **Public Parks** – Earles Park is 150 m to the east, Norquay Park is 350 m to the north and Killarney Park is 800 m to the southeast.
- **Community Centres** – The Killarney Community Centre (with fitness centre, pool and ice rink) is located 1 km to the southeast.
- **Child Care Facilities** – There are two licensed child care facilities within 800 m of the site.

2. Policy Context

Secured Rental Policy* (*SRP) – Council approved amendments to the *Secured Market Rental Housing Policy* in November 2019 (originally approved May 2012), and renamed the policy the *Secured Rental Policy.* The amended SRP expands on the *Secured Market Rental Housing Policy* by consolidating rezoning opportunities for secured rental housing previously contained in the *Affordable Housing Choices Interim Rezoning Policy* and by introducing new green building requirements.

However, in order to ensure consistency and fairness for in-stream applications, the policy requirements of the previous *Secured Market Rental Housing Policy* with respect to energy performance will continue to apply to projects where a supportive letter of response was received prior to November 26, 2019 and an application was submitted before December 1, 2020. The rezoning enquiry for 2735 East 41st Avenue received a letter of response on May 17, 2018, and submitted an application on November 30, 2020 and is therefore considered under the previous *Secured Market Rental Housing Policy*, with respect to energy performance requirements.

Housing Vancouver Strategy – In November 2017, Council approved the *Housing Vancouver Strategy* (2018-2027) and *3-Year Action Plan* (2018-2020). The strategy seeks to shift the supply of new homes toward the right supply, with targets for new units along a continuum of housing types. The strategy's targets were based on the core goals of retaining the current diversity of incomes and households in the City, shifting housing production towards rental to meet the greatest need, and coordinating action with partners to deliver housing for the lowest-income households. Overall, 72,000 new homes are targeted for the 10-year period from 2018 to 2027, including 12,000 social, supportive and non-profit co-operative units, and 20,000 purpose-built rental units. This application will contribute towards the targets for purpose-built rental units.

Strategic Analysis

1. Proposal

The application proposes to rezone 2735 East 41st Avenue to permit a five-storey, mixed-use building with 32 secured market rental housing units and commercial uses at-grade, over one level of underground parking. The proposed density is 2.46 FSR with a total floor area of 3,287.1 sq. m (35,382 sq. ft.) and a proposed building height at 15.5 m (50.8 ft.).

Figure 2: View of corner of 41st Avenue and Rhodes Street

2. Land Use

This site is zoned C-1 (Commercial) District). The intent of the *C-1 District Schedule and Design Guidelines* is to provide for small-scale commercial nodes, catering to the needs of local neighbourhoods and consisting primarily of retail-service uses. Under C-1 zoning, dwelling uses and their design are to be compatible with commercial uses.

The proposal, which includes commercial retail units and residential uses, is consistent with the intent of the *SRP* and the *C-1 District Schedule and Design Guidelines*.

3. Density, Height and Form of Development (Refer to urban design analysis in Appendix E, drawings in Appendix F, and statistics in Appendix I)

Height and Density – The site is currently zoned C-1 (Commercial) which permits a maximum FSR of 1.2. As Per the *SRP*, for sites rezoning from C-1 to CD-1, the direction provided for the form of development is to follow the C-2 regulations and guidelines. The C-2 zoning allows a building with a maximum FSR of 2.50 and conditional height of 13.8 m (45.2 ft.). The building has a proposed height of 15.5 m (50.8 ft.) with an overall FSR of 2.46.

Form of Development – The overall scale and massing of the building have been minimized through step backs on the top floors, and subtle steps in the roof line providing an appropriate transition to the surrounding residential context. Staff conclude that the proposed design is an appropriate response to the corner site and neighbourhood context, and recommend approval of the proposed form of development subject to conditions in Appendix B.

Interface with Property to the North – Although the proposal provides a lesser side yard setback than the typical requirement under C-2 zoning, the building portion in question is only two storeys high and staff evaluate this proposal to meet an equivalent performance with respect to transitioning to the neighbouring property. Furthermore, the remaining north façade provides a much wider side yard setback than the C-2 regulations. Overall, the proposal fits well with the surrounding context. In terms of overlook and privacy, the proposed townhome unit has no windows from habitable rooms that overlook into neighbouring front or back yards.

Interface to the West – There are residential uses across the lane from the west property line and the proposal provides a lesser rear yard setback for residential uses in the upper levels. For properties located to the west an acceptable amount of screening and separation is provided by a service lane, existing garages and balconies against the living rooms facing west. Furthermore, the proposal has few windows from living rooms that directly overlook into the rear yards.

Outdoor Amenity – The outdoor amenity is located adjacent to the indoor amenity at the northwest corner of the top floor. Shadow studies show the outdoor amenity does not receive sufficient sunlight access and therefore a condition has been included in Appendix B to relocate the amenity spaces to maximize sunlight access.

Public Realm – A condition has been included in Appendix B to improve the public realm interface along 41st Avenue and Rhodes Street by articulating the commercial façade to create pedestrian interest.

Urban Design Panel – Staff determined a review by the Urban Design Panel was not required due to the relative small scale of the development.

4. Transportation and Parking

Vehicle and bicycle parking for this application are located in one underground level accessed from the rear lane. The application proposes approximately 25 vehicle parking spaces and 80 bicycle spaces. The applicant must meet the requirements of the Parking By-law. Based on the proximity to transit, the development is eligible for parking reductions up to 20% for residential parking and 10% for commercial parking. The site is well served by public transit. 41st Avenue is part of TransLink's Frequent Transit Network (FTN), including the R4 RapidBus with bus stops 2 blocks from the site, and bus route No. 41, with bus stops 1 block from the site. The site is also close to the Wales Street, Earles Street, 38th Avenue and 45th Avenue Bikeways. Engineering conditions related to transportation, public realm and parking are included in Appendix B.

5. Housing

This application, if approved, would add 32 rental housing units, 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 Purpose-Built Market Rental Housing as of June 30, 2021

Housing Type	10-YEAR TARGETS	Units Approved Towards Targets*
Purpose-Built Market Rental Housing Units	20,000	6,886

**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 during the last 30 years. Between 2017 and 2019, prior to the COVID-19 pandemic, the average vacancy rate for purpose-built apartments (based on the CMHC Market Rental Survey) for Southeast Vancouver zone, where this site is located, was 1.2%. The vacancy rate in 2020 was 5.4%, but is anticipated to return closer to the average near-term rate when this building is ready for occupancy. A vacancy rate of 3% to 5% represents a balanced market.

Unit Mix – This project would deliver a variety of unit types in the form of 2 studio, 10 one-bedroom, 14 two-bedroom, and 6 three-bedroom units (see Figure 8). The *Family Room: Housing Mix Policy for Rezoning Projects* policy sets family housing requirements at 35%. This application would deliver 20 family units, approximately 62% of all units, in a mix of two- and three-bedroom units, thereby meeting the policy. These units are to be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

Figure 4: Proposed Unit Mix

Type	Count	Percentage
Studio	2	6.2%
1-bed	10	31.2%
2-bed	14	43.7%
3-bed	6	18.7%
Total	32	100%

Average Rents and Income Thresholds - Figure 5 shows the proposed starting rents, the current allowable DCL By-law maximum average rent rates, average rents in newer buildings on the east side of Vancouver, and the estimated monthly cost of home ownership. The proposed rents in this application are a lower and viable alternative to the cost of home ownership, particularly for larger units. The approximate household incomes required to afford the proposed starting rents in this project are shown in Figure 6.

Figure 5: Proposed Rents for Market Rental Units, DCL By-Law Maximum Average Rents, Market Rents in Newer Eastside Buildings, and Costs of Ownership

Unit Type	Projects' Average Proposed Starting Rents	DCL By-Law Maximum Averages - Eastside (CMHC, 2020)[1]	Average Market Rent in Newer Buildings - Eastside (CMHC, 2020)[2]	Monthly Costs of Ownership for Median-Priced Unit – Eastside - (BC Assessment 2020)[3]
Studio	$1,388	$1,653	$1,549	$2,379
1-bedroom	$1,722	$2,022	$1,825	$2,906
2-bedroom	$2,318	$2,647	$2,354	$4,105
3-bedroom	$3,353	$3,722	$3,299	$6,048

1. For studio, 1-, 2-, and 3-bedroom units, the maximum DCL rents are the average rents for all residential units built since the 2005 in the City of Vancouver as published by CMHC in the fall 2020 Rental Market Report.
2. Data from the October 2020 CMHC Rental Market Survey for buildings completed in 2011 or later on the Eastside of Vancouver

3. Based on the following assumptions in: median of all BC Assessment sales prices in Vancouver Eastside in 2020 by unit type, 10% down payment, 5% mortgage rate (in-line with Bank of Canada conventional rate), 25-year amortization, $150 – 250 monthly strata fees and monthly property taxes at $2.92 per $1,000 of assessed value (2019 assessments and property tax rate)

Figure 6: Approximate household incomes require to afford the proposed starting rents

	Project Proposed Rents	Annual Income Required to Afford the Proposed Rents
Studio	$1,388	$55,520
1-bed	$1,722	$68,880
2-bed	$2,318	$92,720
3-bed	$3,353	$134,120

Security of Tenure – All 32 units would be secured as rental through a Housing Agreement and/or 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. The addition of new market rental housing units contributes toward the Housing Vancouver targets. Conditions related to securing the units are contained in Appendix B.

Development Cost Levy (DCL) Waiver – The applicant has requested and is eligible for a City-wide DCL waiver for the residential floor area. To be eligible for the waiver, this project must meet the maximum average rental rates and unit size restrictions under the DCL By-law. These requirements will form part of the Housing Agreement referred to in Appendix B. See Appendix G for the DCL waiver analysis.

Section 3.1B(c) of the DCL By-law allows for rents to be increased annually from the time of Public Hearing to initial occupancy, as per the maximum allowable increases under the BC Residential Tenancy Act (RTA). A final rent roll that sets out the initial monthly rents for all units will be required prior to issuance of the occupancy permit in order to ensure compliance with the maximum increases authorized by the DCL By-law. After occupancy, rent increases are regulated by the RTA.

Existing Tenants – The site does not have any existing residential units, and therefore there are no residential tenants.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezonings* requires that rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy.

This application has opted to satisfy the *Green Buildings Policy for Rezonings* under the low emissions green buildings requirements. The low emissions green buildings pathway represents City priority outcomes, establishing limits on heat loss, energy use, and greenhouse gases, and drawing on industry best practices to create more efficient, healthy and comfortable homes and workplaces. The applicant has submitted preliminary energy modeling analysis detailing building performance strategies to meet the energy use intensity, greenhouse gas and thermal demand targets. Additionally, all developments will need to meet rainwater management requirements for retention, rate control, cleaning, and safe conveyance. Conditions are included in Appendix B.

Natural Assets – The *Urban Forest Strategy* helps to preserve, protect and strengthen Vancouver's urban forest and tree canopy for the future. The *Protection of Trees By-law* aims to maintain a healthy urban forest by requiring permission be sought to remove trees which meet certain conditions. The intent is to retain and 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.

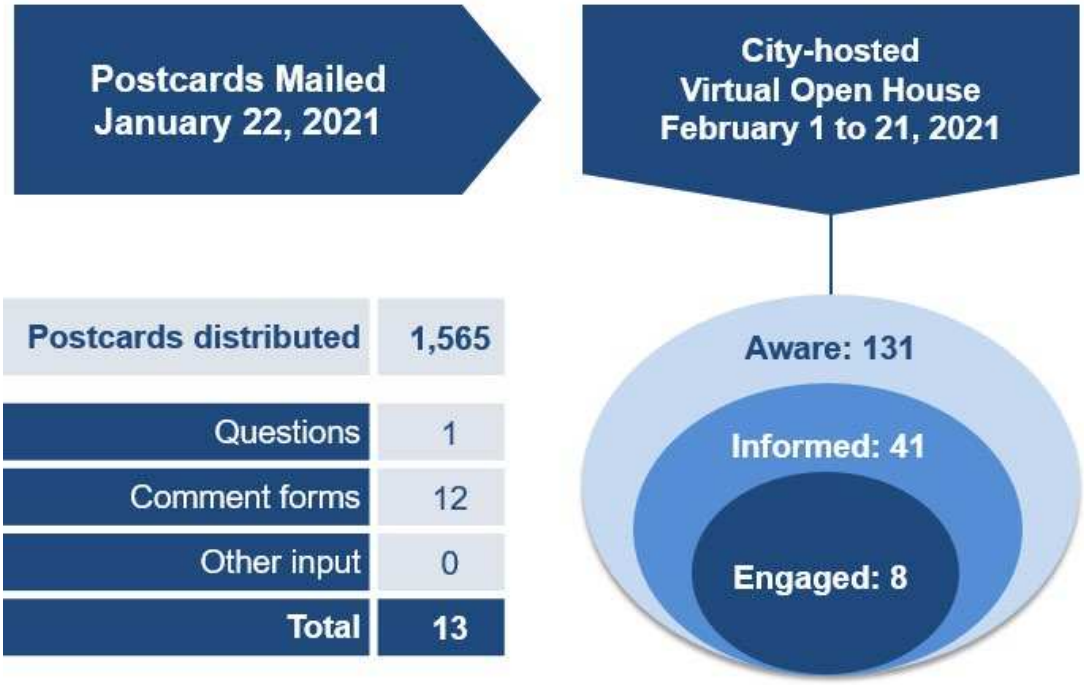
There are no existing by-law trees on the site. There are nine street trees in total on City lands adjoining the site. However, five street trees will not be retained due to their poor health and to accommodate construction. Replacement street trees are proposed on the boulevards of both 41st Avenue and Rhodes Street, the final number of which will be determined through the Development Permit process. See Appendix B for landscape and tree conditions.

7. Public Input

Public Notification – A rezoning information sign was installed on-site on January 4, 2021. Approximately 1,565 notification postcards were distributed within the neighbouring area on or about January 22, 2021. Notification and application information, as well as an online comment form, was provided on the City's new digital engagement platform *Shape Your City Vancouver* (shapeyourcity.ca/).

Virtual Open House – A virtual open house was held from February 1, 2021 to February 21, 2021 on the Shape Your City platform. The virtual open house consisted of an open-question online event where questions were submitted and posted with a response over a period of three weeks. Digital presentations from the City and the applicant were posted for online viewing, along with a digital model representation of the proposed application.

Figure 7: Overview of Notification and Engagement



A virtual approach allows people to access materials online and engage at different levels at a time and location of their choosing. An extended virtual open house period allows people to ask questions regarding the proposal, which staff actively monitor and respond to publicly.

Public Response and Comments – Public input was received throughout the application process through online questions and comment forms, and by email and phone. A total of 13 submissions was received. A summary of all public responses may be found in Figure 7 and Appendix D.

Comments of support were related to height, density and massing, provision of housing stock and appealing design.

Comments of concern were related to traffic and the need for more traffic control measures at 38th Avenue and Rhodes Street, as well as restricting car access to side streets such as Wales and Earles Streets.

Response to Public Comments – Engineering staff has confirmed any traffic changes commensurate with the development would be consistent with development occurring over time in the area. However, a provision to construct speed humps in the lane west of Rhodes Street between 40th and 41st Avenues has been included in Appendix B.

PUBLIC BENEFITS

Development Cost Levies – Development Cost Levies (DCLs) collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and engineering infrastructure.

The site is subject to the City-wide DCL and the Utilities DCL which will be calculated on the floor area specified in the development permit.

Based on the rates in effect as of September 30, 2021 and the proposed 685 sq. m (7,375 sq. ft.) of commercial floor area and 2,602 sq. m. (28,007 sq. ft.) of residential floor area the site is expected to generate approximately $436,447 of DCLs.

In accordance with the provisions of Section 3.1A of the Vancouver DCL By-law, the applicant has requested and is expected to qualify for a waiver of the City-wide DCL attributed to the floor area qualifying as "for-profit affordable rental housing". Based on rates in effect as of September 30, 2021 the value of the City-wide DCL waiver for the residential floor area is estimated to be $510,848.

A review of how the application meets the waiver criteria is provided in Appendix G. Compliance with DCL waiver requirements will continue to be assessed through the development permit stage up to occupancy permit issuance, ensuring that maximum average unit sizes are not exceeded and a final rent roll that sets out the initial monthly rents is submitted.

DCL rates 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 from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City's DCL Bulletin for details on DCL rate protection.

Public Art Program – The application is not subject to the *Public Art Policy and Procedures for Rezoned Developments* as the total floor area is below the minimum threshold of 9,290 sq. m (100,000 sq. ft.).

Community Amenity Contribution – Within the context of the City's *Financing Growth Policy*, an offer of a Community Amenity Contribution (CAC) to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either the provision of on-site amenities or a cash contribution towards other public benefits and they take into consideration community needs, area deficiencies and the impact of the proposed development on City services.

The application is subject to the *Community Amenity Contributions Policy for Rezonings* with CACs based on a negotiated contribution. The proposal includes 100% of the residential floor area as rental housing to be secured for the longer of 60 years and the life of the building. The applicant is proposing that 32 residential units be secured as market rental housing.

Real Estate Services staff reviewed the application and the costs of securing the 32 rental housing units, and have determined no additional CAC is expected. The public benefit accruing from this application is the contribution to the City's rental housing stock. As a condition of by-law enactment, a Housing Agreement and Section 219 Covenant are required to be registered on title to preclude, among other things, stratification of the building, separate sale of individual units, and rentals for less than one month at a time.

FINANCIAL IMPLICATIONS

Based on rates in effect as of September 30, 2021, a total DCL of approximately $436,447 would be expected from this development. The secured market rental component of the project is expected to qualify for a waiver of City-wide DCL estimated at $510,848.

The 32 market rental housing units will be privately owned and secured by a Housing Agreement and Section 219 Covenant for the longer of 60 years and the life of the building.

No additional CAC or public art contribution is applicable.

CONCLUSION

Staff review of the application has concluded that the proposed land use, density, form of development and public benefits is consistent with the intent of the *Secured Rental Policy.* The project will deliver 32 secured market rental units towards the goals of the *Housing Vancouver Strategy*.

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

* * * * *

2735 East 41st 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 ().

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 CD-1 (___) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

   (a) Cultural and Recreational Uses;

   (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this section;

   (c) Institutional Uses;

   (d) Live-Work Use;

   (e) Office Uses;

   (f) Retail Uses;

   (g) Service Uses;

   (h) Utility and Communication Uses; and

   (i) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

4.1 The design and layout of at least 35% of the total number of dwelling units must:

(a) be suitable for family housing; and

(b) include two or more bedrooms; and

(c) comply with Council's "High-Density Housing for Families with Children Guidelines".

4.2 No portion of the first storey of a building to a depth of 10.7 m from the front wall of the building facing east 41st Avenue and extending across its full width may be used for residential purposes except for entrances to the residential portion.

4.3 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building except for:

(a) Farmers' Market;

(b) Neighbourhood Public House;

(c) Public Bike Share;

(d) Restaurant; and

(e) Display of flowers, plants, fruits and vegetables in conjunction with a permitted use.

4.4 The Director of Planning may vary the use conditions of section 4.3 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this By-law.

Floor Area and Density

5.1 Computation of floor area must assume that the site area is 1,336 m^2, 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 floor space ratio for all uses combined must not exceed 2.46.

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, except that:

(i) the total area of these exclusions must not exceed 12% of the floor area being provided for dwelling uses and 8% of the floor area being provided for all other uses; and

(ii) the balconies must not be enclosed for the life of the building;

(b) patios and roof decks, if the Director of Planning first approves the design of sunroofs and walls;

(c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and

(d) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m^2 for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

5.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, amenity areas accessory to a residential use, to a maximum of 10% of the total floor area being provided for dwelling uses.

Building Height

6. Building height, measured from base surface, must not exceed 15.5 m.

Horizontal Angle of Daylight

7.1 Each habitable room must have at least one window on an exterior wall of a building.

7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if:

(a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and

(b) the minimum distance of unobstructed view is not less than 3.7 m.

7.5 An obstruction referred to in section 7.2 means:

(a) any part of the same building including permitted projections; or

(b) the largest building permitted under the zoning on any adjoining site.

7.6 A habitable room referred to in section 7.1 does not include:

(a) a bathroom; or

(b) a kitchen whose floor area is the lesser of:

(i) 10% or less of the total floor area of the dwelling unit; or

(ii) 9.3 m^2.

Acoustics

8. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustical engineer demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be defined simply as noise level in decibels.

Portions of dwelling units	**Noise levels (Decibels)**
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

* * * * *

2735 East 41st 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 THE FORM OF DEVELOPMENT

Note: Consideration by Council at the public hearing of the proposed form of development is in reference to plans prepared by Barnett Dembek Architects Inc., received on November 30, 2020 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 improve the northern interface of shared property line to mitigate privacy concerns with adjacent residential neighbour. This condition may be satisfied through the following techniques:

(a) Providing trees along the northern property line at grade within the setback to reduce views from upper levels into neighbouring yards;

(b) Provide tall parapet and planters for the northern edge of green roofs in second floor to minimize the overlook from the adjacent decks into neighbouring yard; and/or

(c) Provide translucent glazing in deck railing design in third and fourth levels to reduce the impact of privacy.

1.2 Design development to reduce overlook on to residential neighbours located due west across the lane.

Note to Applicant: Possible design strategies to satisfy this condition may include:

(a) Providing trees along the western property line at grade within the setback to reduce views from upper levels into neighbouring yards; and/or

(b) Providing translucent glazing in deck railing design in third and fourth levels to reduce the overlook into neighbouring yards.

1.3 Design development to improve the livability and functionality of individual residential units by:

(a) Provide storage room for each residential unit. Note to Applicant: A minimum of 2.3 sq. m (24.7 sq. ft.) of bulk storage for each dwelling unit.

(b) Provide balconies for all residential units. Note to Applicant: Confirmation of providing private open space in the form of porch or balcony for all units in the future development permit application.

1.4 Design development to enhance the common outdoor space by:

(a) Relocate the amenity spaces into an area that receives good sunlight exposure.

Note to Applicant: Outdoor play areas should be situated to maximize sunlight access.

(b) Consider enhancing the size of common outdoor space area for the unit residents.

1.5 Design development to improve the building interface with the public realm, including:

(a) Consider articulating the street-facing façades at grade to create urban room spaces that can accommodate with benches and planters to create pedestrian interest;

(b) Provide weather protection along building street frontages;

1.6 Design development to ensure provision of high-quality and durable materials.

1.7 Design development to identify on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted. For more information, see the guidelines at https://guidelines.vancouver.ca/guidelines-bird-friendly-design.pdf.

Crime Prevention through Environmental Design (CPTED)

1.8 Identify on the drawings at the time of the Development Permit application, CPTED strategies including:

(a) Having particular regard for mischief in alcoves and vandalism such as graffiti;

(b) Consideration of mail theft in the design and location of mailboxes;

(c) Consideration of residential break and enter;

(d) Provision of outdoor common area and path lighting; and

(e) Provisions for visibility and security in the underground parking garage in accordance with the Parking By-law, including:

(i) Providing 24-hour overhead lighting at exit doors and step lights;

(ii) Providing white-painted walls; and

(iii) Ensuring a high degree of visibility at doors, lobbied, stairs, and other access routes.

Note to Applicant: Alcoves and other similar visually hidden areas should be designed so as to not be covered or have limited cover and be well lit. Opportunities for graffiti can be mitigated by reducing areas of exposed wall and by covering with vines, hedges or a rough finish material.

Engineering

1.9 Confirmation of whether the proposed development impacts the Major Road Network (MRN), as defined under the South Coast British Columbia Transportation Authority Act (https://www.translink.ca/plans-and-projects/projects/major-road-network). In the event it is confirmed the proposed development impacts the MRN, a Construction Management Plan shall be submitted directly to TransLink with a copy of the correspondence provided to the City of Vancouver.

Note to Applicant: The City of Vancouver and TransLink have authority over the MRN as it relates to carrying out construction works on a City Street that is designated as a MRN.

1.10 Water Sustainability Act: Construction dewatering is a Water Use Purpose under the Water Sustainability Act requiring a provincial Approval or License. Applications for provincial Approvals or Licenses can be completed online. The application will be received and accepted into the province's online system, and the provincial authorizations team strives for 140 days to get the approval to the applicant. The approval holder must be able to produce their approval on site so that it may be shown to a government official upon request. Dewatering before this approval is granted is not in compliance with the provincial Water Sustainability Act. Provide a letter confirming acknowledgement of the condition.

For more information: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals

1.11 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.

1.12 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.

1.13 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.

1.14 Design development to improve access and design of bicycle parking and comply with the Bicycle Parking Design Supplement.

(a) Provision of an alcove for the bike room access off the vehicle parking ramp and maneuvering aisle.

(b) Provision of Class A bicycle parking in accordance with the requirements of the Parking By-law.

Note to applicant: 10% of spaces are to be lockers and 5% oversized.

(c) Provision of automatic door openers for all doors providing access to Class A bicycle storage.

1.15 Provision of end-of-trip facilities in accordance with the requirements of the Parking By-law.

Note to Applicant: Clothing lockers are to be provided at a rate of 1.4 per commercial Class A space.

1.16 Design Development to improve access and design of loading spaces and comply with the Parking and Loading Design Supplement.

(a) A reduction of 1 Class B loading space is supported with provision of 2 Class A loading spaces to be provided in lieu, with one Class A loading space to be provided at grade.

(b) Provide a standard widened loading throat to facilitate maneuvering.

1.17 Design development to improve the parkade layout and access design and comply with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services, including the following:

a) Provision of improved two-way flow for vehicles on the ramp and in the parking areas. Improve two-way traffic flow at the main ramp, and throughout parkade, through provision of parabolic mirrors.

b) Modification of grades on the ramp and in parking areas. Ramp slopes must not exceed 10% for the first 20 ft. from the (property line/back of sidewalk).

1.18 Provision of visitor parking in accordance with the requirements of the Parking By-law.

1.19 The following information is required for 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 on the drawings.

(c) Dimension of column encroachments into parking stalls.

(d) Show 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 manoeuver 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. 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. The slope and length of the ramped sections at all breakpoints to be shown on the submitted drawings.

(l) Indicate the stair-free access route from the Class A bicycle spaces to reach the outside. Stair ramps are not generally acceptable.

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

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

1.20 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; 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: 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.

1.21 Provision of a draft final Rainwater Management Plan (RWMP) prior to DP issuance. As it is acknowledged that not all design components are advanced fully at this stage, placeholders will be accepted in this resubmission with the expectation the final report will include all relevant details. The resubmission at DP must include the following amendments;

(a) Volume Reduction – Calculation of any required detention tank volume to equal the greater of either the pre-development peak flow storage volume or the amount of the 24 mm rainfall not captured in Tier 1 & Tier 2 practices.

(b) Water Quality – Provide information on how the water quality requirement will be achieved on this site, as water quality treatment is required for the first 24 mm (~70% annual average rainfall) of all rainfall from the site that is not captured in Tier 1 or Tier 2 practices and 48 mm (~90% annual average rainfall) of treatment is required for high traffic areas. For the DP submission, the following should be included for review:

(i) Product Name and Manufacturer/Supplier
(ii) Total area and % Impervious being treated
(iii) Treatment flow rate
(iv) Supporting calculations to demonstrate adequate sizing.
(v) Include and highlight excerpts of any specified treatment device's ability for % TSS from TAPE or ETV in the Appendix.
(vi) Location on Plan in drawing or as figure in the report.

(c) Release Rate: Calculate the post-development peak-flow rate, associated runoff coefficient and minimum storage volume for release rate control. Peak flow calculations to use 1:10 year return period. Inlet time = 5 minutes. Travel time to be estimated by applicant. Ensure that the pre-development calculation uses the 2014 IDF curve values and the post-development calculation uses the 2100 IDF curve values.

(d) Provide design specifics and details of all BMPs to support the design claim for meeting target requirements. Coordinate with the landscape architect on the

details specific to the landscape portion, such as proposed growing medium depth.

(e) Provide further information related to any proposed detention system to meet the release rate requirement such as the geometric properties (footprint, volume, depth) and method of flow control (orifice size).

(f) Provide post-development site plan(s) that includes the following:

(i) building location/footprint;
(ii) underground parking extent;
(iii) proposed service connections to the municipal sewer system;
(iv) location and labels for all proposed rainwater management practices;
(v) area measurements for all the different land use surface types within the site limits (specifically show the location(s) and area of proposed green roof described in Preliminary RWMP); and
(vi) delineated catchments to demonstrate BMPs are appropriately sized.

(g) Provide summary of all the catchment areas in a tabular form, including the required capture and treatment, any direct capture and treatment achieved from adjacent surfaces, and storage capacities for that catchment. Catchments must be shown in a proposed site plan drawing or figure as part of the Preliminary Rainwater Management Plan Report.

Note to Applicant: The applicant may schedule a meeting with Rainwater Management Review group prior to moving forward with the RWMP to address any concerns or questions related to the conditions or comments prior to resubmission with the DP application. To schedule the meeting, contact rainwater@vancouver.ca.

1.22 Provision of a final RWMP, which includes a written report, supporting calculations, computer models and drawings to the satisfaction of Engineering Services prior to the issuance of any building permit.

1.23 Provision of a final Operation & Maintenance (O&M) Manual for all rainwater systems to the satisfaction of Engineering Services. The O&M Manual shall be tailored specifically for the rainwater management practices proposed on-site and submitted as a standalone document prior to the issuance of any building permit.

1.24 Show all City of Vancouver supplied building grades on architectural plans. To minimize grade differences, interpolate a continuous building grade between the points given on the City supplied plan.

1.25 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.”

1.26 Provide detailed landscape drawings for proposed offsite works on City property.

1.27 Remove existing concrete entrance walkways from City boulevard along Rhodes Street and East 41st Avenue.

1.28 Remove existing brick pavers from City boulevard along East 41st Avenue.

Sustainability

1.29 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings* (amended May 2, 2018), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at http://guidelines.vancouver.ca/G015.pdf

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin *Green Buildings Policy for Rezonings – Process and Requirements* (amended April 28, 2017 or later).

Landscape

1.30 Design development to explore proposing as many new replacement trees as possible, of significant size and scale and with as many as possible off-parkade structure, on free grade;

Note to Applicant: This is intended to mitigate the lack of any significant trees on site. This should be confirmed with a landscape plan overlaid with the parkade outline, at the time of DP submission.

1.31 Design development of the outdoor amenity area for resident gathering and programming for common uses, including urban agriculture plots and children's play area;

Note to Applicant: This could also be achieved by adding an intensive green roof.

1.32 Design development to enhance privacy and public realm interface by providing additional, more significant plant buffering to the north neighbouring site, fronting the Lane and enhancing the Rhodes Street streetscape, on private property;

1.33 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,

(e) in addition to urban agriculture plots;

1.34 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.

1.35 Design development to the landscape treatment in common areas on slab to allow for planting flush with the ground, while providing adequate planting depths, by lowering the slab to the greatest extent possible, rather than planting in raised planters;

Note to applicant: Wherever possible, planted landscapes on slab should be designed to maximize soil depths. This will require integration of the landscape design and the structural plan. Soil depths should exceed CSLA Landscape Standard. At the perimeter of the building the slab can be angled downward (1 m across and 1.2 m down) to maximize contiguous soil volumes.

1.36 Design development to locate, integrate and fully screen parking garage vents in a manner which minimizes their impact on the architectural expression and the project's open space and public realm.

1.37 Design development to the Integrated Rainwater Management Strategy to explore opportunities for onsite rain water infiltration and soil absorption, as follows:

(a) maximize natural landscape best management practises;

(b) minimize the necessity for hidden mechanical water storage;

(c) increase the amount of planting to the rooftop areas, where possible;

(d) consider linear infiltration bio-swales along property lines, at lower site areas;

(e) use permeable paving;

(f) employ treatment chain systems (gravity fed, wherever possible);

(g) use grading methods to direct water to soil and storage areas;

Note to applicant: Refer to the City of Vancouver Integrated Rainwater Management Plan (I.R.M.P), Vol.1 & 2 for further information. A consulting engineer (subject matter

expert) will need to be engaged and early phase soil analysis will be needed. Further comments may be outstanding at the development permit stage.

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

(a) detailed storm water report with calculations describing how the various best management practices contribute to the quality and quantity targets;

(b) a separate soil volume overlay plan with schematic grading indicating intent to direct rainwater to infiltration zones;

(c) an overlay plan that shows amount and ratio of vegetative cover (green roof), permeable/impermeable hardscaping and notations describing the storage location of rainwater falling on each surface, including roofs.

Note to applicant: the sustainable summary water balance calculations assume soil volumes are capable of receiving rainwater are only valid if water is directed from hard surfaces to infiltration zones.

1.39 Provision of coordination between Landscape Plan and architectural Site Plan, for most updated information;

1.40 Provision of complete information, such as notations, references and details, confirming all landscape elements;

1.41 Provision of a detailed Landscape Plan illustrating soft and hard landscaping;
Note to applicant: The plans should be at 1/8 inches: 1 foot 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.

1.42 Provision of detailed architectural and landscape cross sections (minimum 1/4 inch scale) through common open spaces, 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.

1.43 Provision of a “Tree Management Plan”;

Note to applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters.

1.44 Provision of 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.

1.45 Provision of a Letter of Consent for the proposed removal of adjacent property hedge;

1.46 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 6 cm 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*".

1.47 Provision of an outdoor Lighting Plan;

Housing

1.48 Design Development to maintain a higher percentage of two-and three-bedroom units in the proposal.

Note to Applicant: The current proposed unit mix results in 62% family units in comparison with the minimum required 35% family units under the City policy. Refinements to the proposal during the subsequent Development Permit application stage should target no lower than 50% of the dwelling unit design to be suitable for families with children.

1.49 The proposed unit mix, including 2 studio units (6.2%), 10 one-bedroom units (31.2%), 14 two-bedroom units (43.7%), 6 three-bedroom units (18.7%) 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.

1.50 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, ranging in size from 130 sq. m (1,399 sq. ft.) to

280 sq. m (3,014 sq. ft.) and situation to maximize sunlight access (S. 3.3.2, 3.4.3);

(b) A minimum of 2.3 sq. m (24.7 sq. ft.) of bulk storage for each dwelling unit (S. 4.4.2);

(c) A multi-purpose indoor amenity space at least 37 sq. m (398 sq. ft.) with a wheelchair accessible washroom and kitchenette; 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, 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 for release of Easement & Indemnity Agreement G58642 (special sidewalk treatment) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning by-law 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.

2.2 Provision of an encroachment agreement to secure ongoing maintenance of proposed street furniture and planting on street right of way.

2.3 Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the 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.

(a) Provision of adequate water service to meet the fire flow demands of the project. Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by SRC Engineering Consultants Ltd. dated September 24, 2020, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 150 mm along Rhodes Street, or 200 mm along East 41st Avenue. Should the development require water service connections larger than the existing main, the developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost of the upgrading.

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

(b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project. Implementation of development at 2735 East 41st Avenue requires the following in order to maintain acceptable sanitary sewer flow conditions. The post-development 10-year flow rate discharged to the storm sewer shall be no greater than the 10-year pre-development flow rate. The pre-development estimate shall utilize the 2014 IDF curves, whereas the post-development estimate shall utilize the 2100 IDF curves to account for climate change.

Note to Applicant: Development to be serviced to the existing 200 mm SAN and 200 mm STM sewers on Rhodes Street.

(c) Provision of street improvements along East 41st Avenue adjacent to the site and appropriate transitions including the following:

(i) Front boulevard with street trees where space permits;

(ii) 2.44 m (8 ft.) wide broom finish saw-cut concrete sidewalk;

(iii) Removal of the existing driveway crossing and reconstruction of the boulevard, sidewalk, and curb to current standards.

(d) Provision of street improvements along Rhodes Street adjacent to the site and appropriate transitions including the following:

(i) Front boulevard with street trees where space permits;

(ii) 2.14 m (7 ft.) wide broom finish saw-cut concrete sidewalk;

(iii) Removal of the existing driveway crossing and reconstruction of the boulevard, sidewalk, and curb to current standards.

(e) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site to current City standards and IESNA recommendations.

(f) Provision of entire intersection lighting upgrade to current City standards and IESNA recommendations at the intersection of Rhodes Street and East 41st Avenue.

(g) Provision of new pad mounted service cabinet/kiosk on Rhodes Street.

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 Standard Specification of the City of Vancouver for Street Lighting (draft), Canadian Electrical Code (the latest edition) and the Master Municipal Construction Documents (the latest edition)

(h) 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.

(i) Provision of a new standard concrete pedestrian lane crossing, new curb returns and curb ramps at the existing lane crossing on East 41st Avenue adjacent to the site.

(j) Provision to rebuild existing laneway along development site's frontage as per City "Higher Zoned Laneway" pavement structure specifications.

(k) Provision to construct speed humps in the lane west of Rhodes Street between East 40th Avenue and East 41st Avenue.

(l) Confirmation that any relocated wood poles in the lane adjacent the site will not impact existing lane lighting, should any relocated pole include lighting impacts, upgrading of the lane lighting to current standard will be required.

(m) 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 one or more Latecomer Agreements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for and only if the following works constitute excess and/or extended services:

(a) A new pad mounted service cabinet/kiosk per condition 2.3(g).

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.

2.5 Provision of a Shared Use Loading Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the Class B loading space between the commercial and residential uses and label the space as 'Residential and Commercial Loading'.

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

BC Hydro System Vista, Vista switchgear, pad mounted transformers, low profile transformers and kiosks as well as telecommunications kiosks are to be located on private property with no reliance on public property for placement of these features. Submission of a written confirmation from BC Hydro that all these items will be located on the development property.

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

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.

Housing

2.8 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/ or Section 219 Covenant securing all residential units as for-profit affordable housing units for the longer of 60 years and life of the building, subject to the following conditions and requirements:

(a) A no separate-sales covenant is required.

(b) A no stratification covenant is required.

(c) None of the units are to be rented for less than one month at a time.

(d) A rent roll is to be provided indicating the agreed initial monthly rents for each rental unit when the Housing Agreement is entered into, and prior to development permit issuance and DCL calculations during the building permit application review process.

(e) The average initial starting monthly rents for each unit type will be at or below the following rents subject to adjustment as contemplated by Section 3.1B(c) of the Vancouver Development Cost Levy-By-law:

Unit Type	Proposed Average Starting Rents
Studio	$1,388
1-bed	$1,722
2-bed	$2,318
3-bed	$3,353

(f) That the average size of each unit type is at or below the limit as contemplated by the Vancouver Development Cost Levy-By-law:

Unit Type	Maximum Average Unit Size
Studio	42 sq. m (450 sq. ft.)
1-bed	56 sq. m (600 sq. ft.)
2-bed	77 sq. m (830 sq. ft.)
3-bed	97 sq. m (1,044 sq. ft.)

(g) A final rent roll is to be provided, prior to issuance of an occupancy permit, to the satisfaction of General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services, which reflects the agreed initial monthly rents as of occupancy in order to address potential changes in unit mix and/or sizes between the rezoning and development permit issuance, and to allow for the rents to be increased annually from the time of the public hearing to initial occupancy, as per the maximum increases Authorized by the Vancouver Development Cost Levy By-law.

(h) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may in their sole discretion require.

Note to Applicant: This condition will be secured by a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter.

Environmental Contamination

2.9 The following conditions must be met prior to enactment of the rezoning:

(a) Submit a site disclosure statement to Environmental Services (Environmental Protection);

(b) As required by the Manager of Environmental Services and the Director of Legal Services in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

(c) If required by the Manager of Environmental Services and the Director of Legal Services in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements on the site constructed 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 Chance Strategy, have been provided to the City.

* * * * *

2735 East 41st Avenue
DRAFT CONSEQUENTIAL AMENDMENTS

Note: By-laws will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

DRAFT AMENDMENTS TO THE SIGN BY-LAW No. 11879

Amend Schedule A (CD-1 Zoning Districts Regulated by Part 9) by adding the following:

“2735 East 41st Avenue [CD-1 #] [By-law #] C-1”

DRAFT AMENDMENTS TO THE NOISE CONTROL BY-LAW No. 6555

Amend Schedule B [Intermediate Zone] by adding the following:

“[CD-1#] [By-law #] 2735 East 41st Avenue”

* * * * *

2735 East 41st Avenue
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

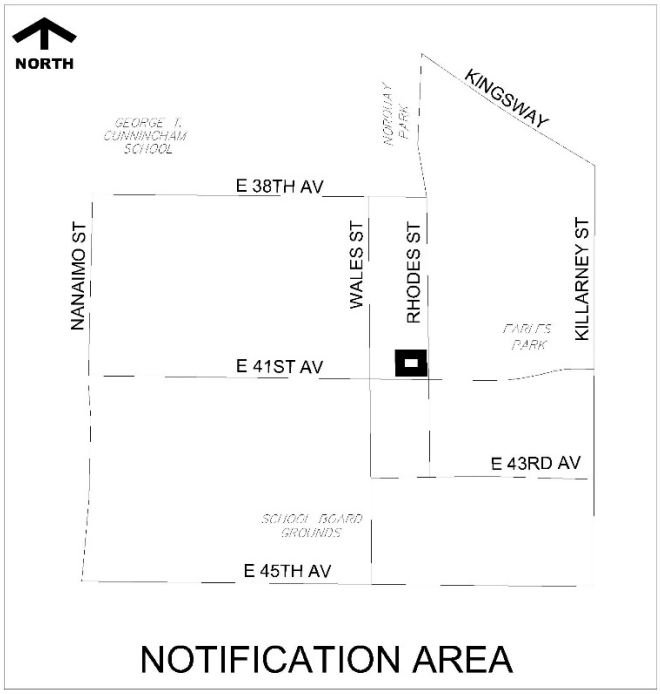
	Dates	Results
Event		
Virtual open house (City-led)	February 1 to February 21, 2021	131 participants (aware)* • 41 informed • 8 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	January 22, 2021	1,565 notices mailed
Public Responses		
Online questions	February 1 to February 21, 2021	1 submittal
Online comment forms • Shape Your City platform	December – April, 2021	12 submittals
Overall position • support • opposed • mixed	December – April, 2021	12 submittals • 9 responses • 2 responses • 1 response
Other input	December – April, 2021	0 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	December – April, 2021	330 participants (aware)* • 109 informed • 11 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 and ordered by frequency.

Generally, comments of support fell in the following areas:

- **Building height, density, and massing:** The building height, density and massing is appropriate for the neighbourhood. However greater density could be supported due to close proximity to public transportation.

- **Housing stock:** The project would provide much needed rental housing stock for the area.

- **Building design:** The building design is aesthetically pleasing and respects neighbours.

Generally, comments of concern fell within the following areas:

- **Traffic control measures:** The development would increase traffic. Respondents would like to see more traffic control measures at the corner of 38th Avenue and Rhodes Street. Restricting car access to side streets such as Wales and Earles Street would be appropriate as well.

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:

- Appreciate that the amenity room is located on a quiet street.
- The proposed number of vehicle and bicycle parking space is sufficient.
- The project is in close proximity to public transit.
- Appreciate the larger sidewalks on the west side of Rhodes Street which will improve the public realm.
- The development creates a good transition to the neighbouring buildings to the north.

General comments of concern:

- The proposed project would not have sufficient parking space and could cause further street parking issues.
- The development would further contribute to current rental vacancies due to the pandemic. There is no need for more rentals as it would also negatively affect neighbouring residents.

Neutral comments/suggestions/recommendations:

- The development should also include a mix of shelter rate to market rental units so that it would reflect the demography of current residents in the neighbourhood.
- The property line and the sidewalk should be landscaped rather than lawn since it would reduce the need for watering, improve air quality, and accommodate more densification.
- The simplicity of this project should not need to go through the Urban Design Panel.
- The neighbourhood needs more local businesses and retail stores that the community can use, rather than just cannabis stores or coffee shops.

* * * * *

2735 East 41st Avenue
URBAN DESIGN ANALYSIS

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

For sites zoned C-1, the *SRP* and the *Rental Incentive Programs Bulletin* permits consideration of C-2 forms of development. C-2 zoning allows a maximum FSR of 2.50 and a conditional height of 13.8 m (45.2 ft.).

Density and Height – The application proposes a FSR of 2.46 and a height of 15.5 m (50.8 ft.). The proposed height is consistent with similar mixed use developments located on arterial roads and the additional height does not unduly impact the adjacent properties.

Form of Development – The ground-floor commercial retail units (CRU) spaces are accessed from 41st Avenue and the upper floor residential units are accessed from Rhodes Street through a residential lobby. Two townhome units are situated next to the lobby towards the northeast portion of the building. The outdoor amenity is located adjacent to the indoor amenity, both of which are located at the northwest corner of the building. Shadow studies indicated that the outdoor amenity space does not receive enough sunlight access and therefore a condition has been added to relocate the amenity spaces to maximize sunlight access. Other form of development conditions that seek to improve the public realm interface along 41st Avenue and Rhodes Street are recommended and have been included in Appendix B. The proposal provides a linear façade at grade and therefore a condition has been included in Appendix B to improve the public realm interface along 41st Avenue and Rhodes Street by articulating the commercial façade to create pedestrian interest.

Interface with property directly to the north – The RT-11 zoned two-storey property to the north shares a property line with the subject site. As per C-2 zoning, the expected side yard setback is 3.7 m (12 ft.). The proposal provides a 2.4 m (8 ft.) side yard setback at the northeast of the building. Although this is less than the typical requirement under C-2 zoning, the building portion in question is only two storeys high, whereas the C-2 regulation would permit a 3-storey element at the 3.7 m (12 ft.) side yard setback. Staff conclude that this proposal meets an equivalent performance with respect to transitioning to the neighbouring property. Furthermore, the remaining north façade is providing over 6.1 m (20 ft.) of side yard setback, which is well beyond the 3.7 m (12 ft.) expected by the C-2 regulations. Overall, the proposal fits well with the surrounding context. In terms of overlook and privacy, the proposed townhome unit has no windows from habitable rooms that overlook into neighbouring front and back yards.

The proposal also provides a 4.5 m (14 ft. 9 in) front yard setback at the north-east of the building on Rhodes Street, which is beyond the expectations of the C-2 zoning, and provides a spacious front yard transition between the proposal and the neighbouring property.

Although the proposed siting of building forms are considered neighbourly, staff also recommend improvements to address privacy and overlook concerns. While staff support the provision of balconies on upper storeys located against the north property line, Condition 1.1 is recommended in Appendix B to ensure an acceptable amount of visual privacy for the northern neighbour, through design elements such as perimeter planters, translucent glass, and planted hedges.

Interface to the west – There are residential uses across the lane from the west property line and C-2 zoning requires a rear yard setback of 6.1 m (20 ft.) for the second and third storeys. The proposal provides a lesser rear yard setback for residential uses of only 3 ft. on the second and third levels with a further setback of 1.8 m (6 ft.) on the fourth level. Staff recognize that the rezoning policy's expectations for allowable floor space is approximately 2.5 FSR, which C-2 zoning would permit. However, due to the adjacent RT-11 zoned property to the north, neighbourliness to the north has been prioritized, which causes the majority of spatial separation that the project can provide to be along the north property line. For properties located to the west, a 6.1 m (20 ft.) wide service lane, existing garages and balconies against the living rooms facing west, provide an acceptable amount of screening and separation. Furthermore, the proposal has few windows from living rooms that directly overlook into the rear yards. Instead, most living rooms are oriented southwards towards 41st Avenue or northwards. To further increase privacy, Conditions 1.2 are recommended in Appendix B to reduce overlook into western residential neighbours from the upper level decks.

The overall scale and massing of the building have also been minimized through step backs on the top floors, and subtle steps in the roof line providing an appropriate transition to the surrounding residential context.

Urban Design Panel – Staff determined a review by the Urban Design Panel was not required due to the relative small scale of the development and the commonality of four to six storey rental developments located on wide arterials across the city.

Staff conclude that the proposed design is an appropriate response to the corner site and neighbourhood context, and recommend approval of the proposed form of development subject to conditions in Appendix B.

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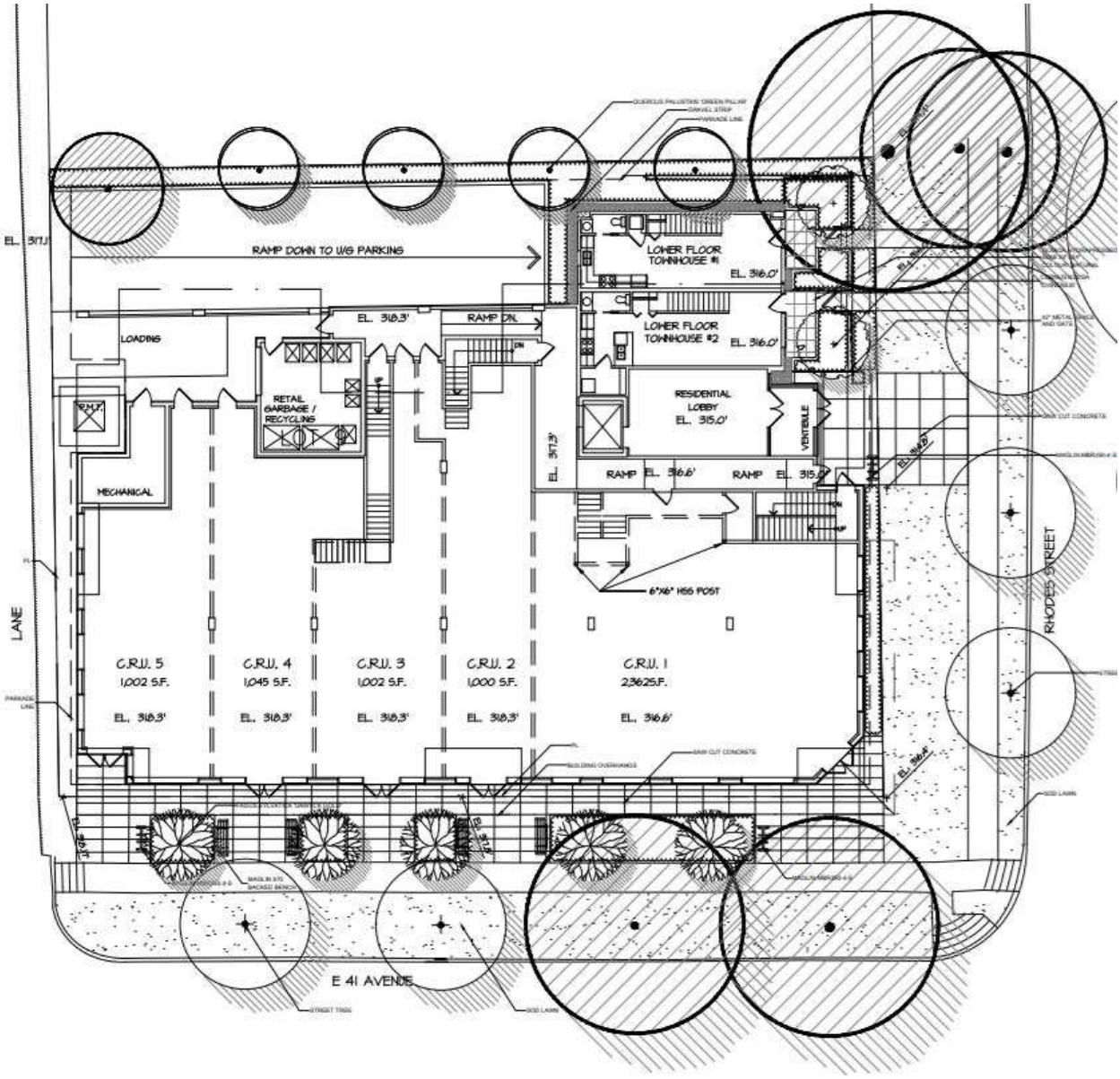
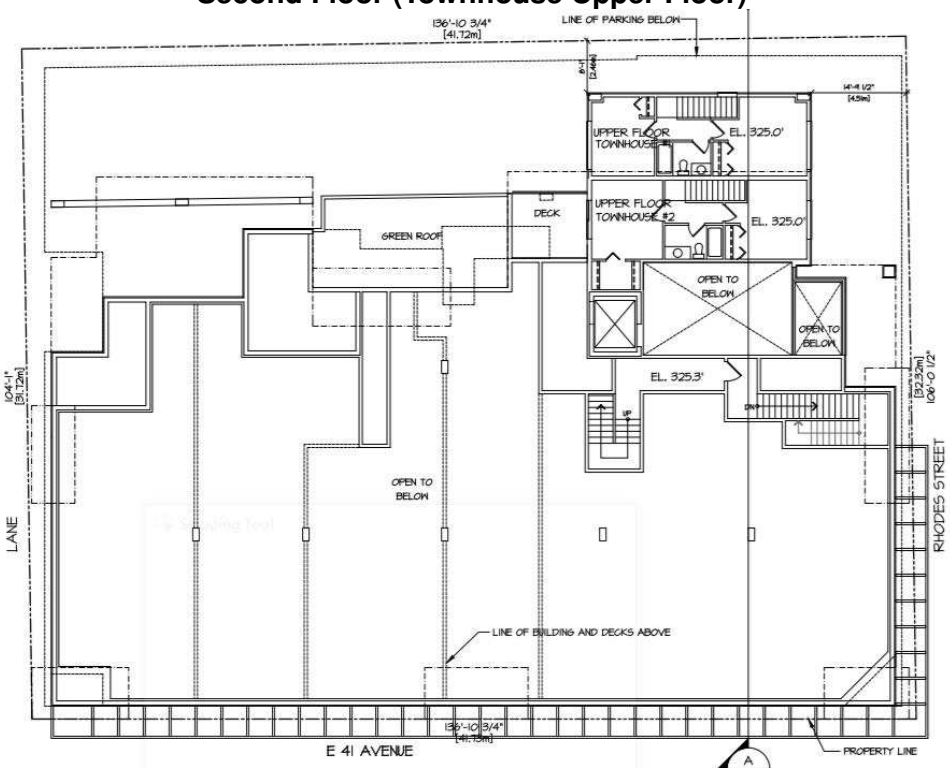
2735 East 41st Avenue
FORM OF DEVELOPMENT

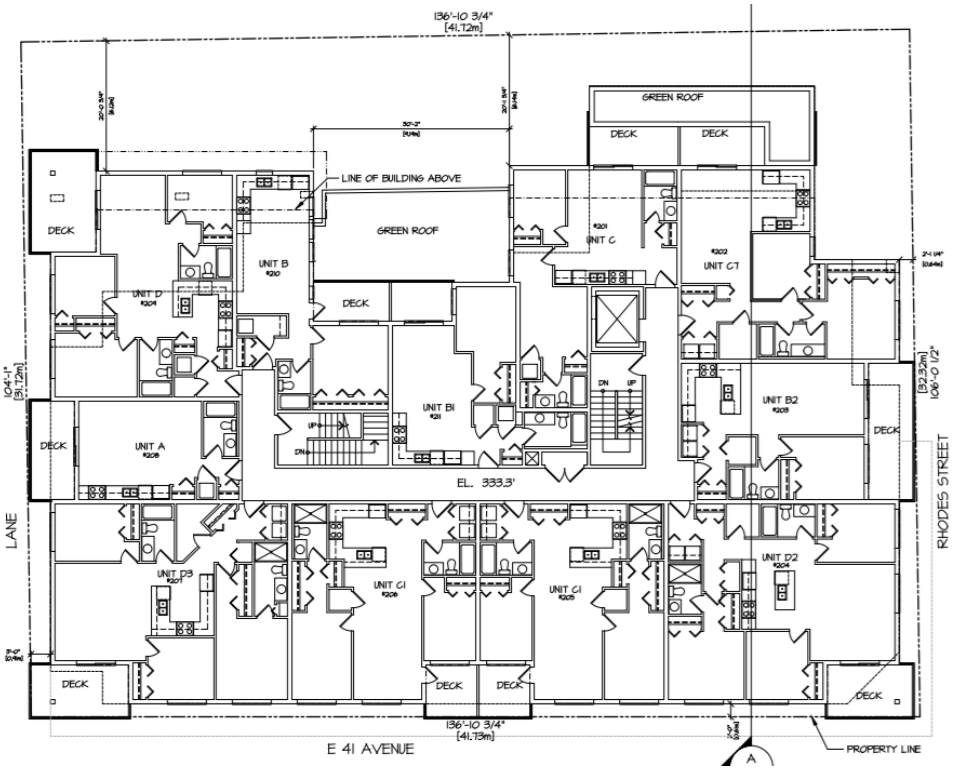
Site Plan and Ground Floor



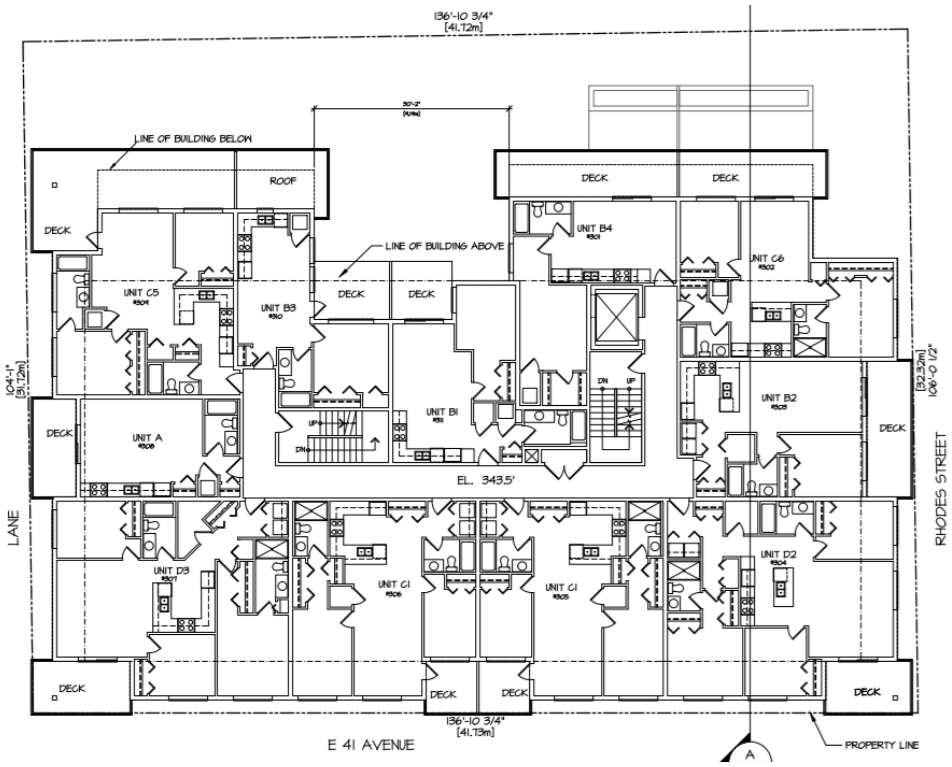
Second Floor (Townhouse Upper Floor)



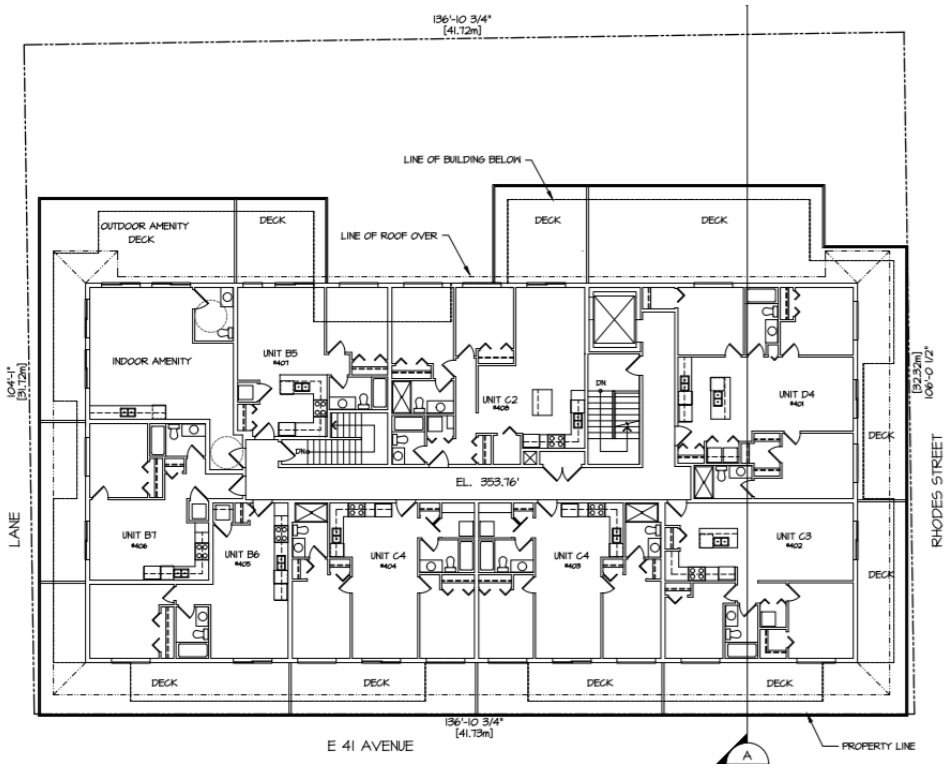
Third Floor



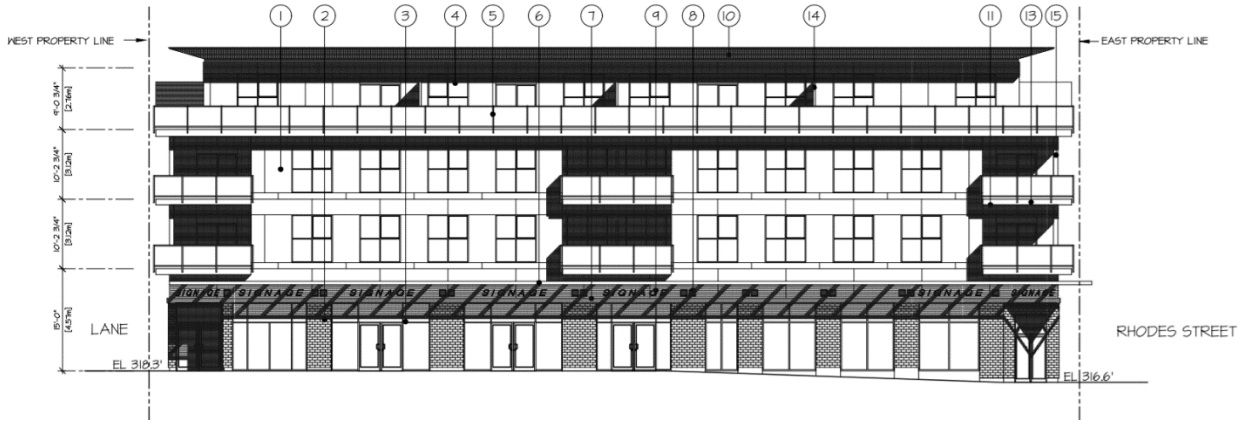
Fourth Floor



Fifth Floor

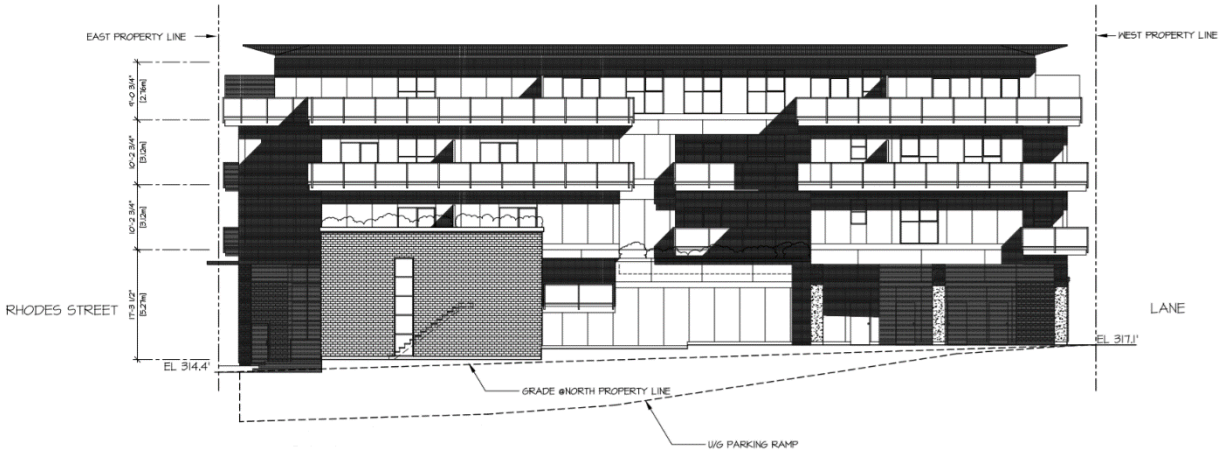


South Elevation (41st Avenue)



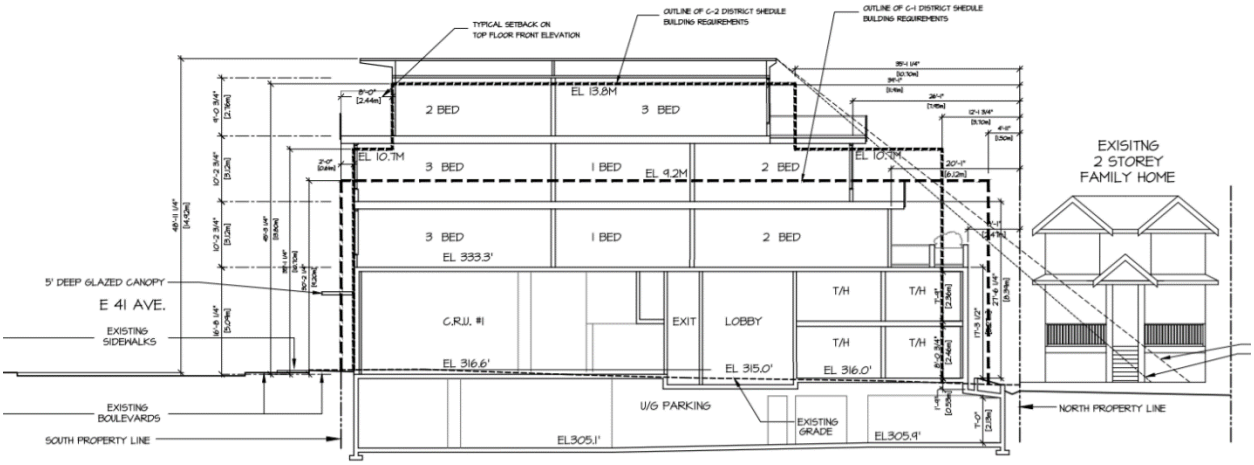
East Elevation (Lane)

North Elevation



West Elevation (Rhodes Street)

Section (Rhodes Street) Showing Transition to RT-11



Shadow Studies

MARCH 21 10 AM

MARCH 21 12 PM

MARCH 21 2 PM

MARCH 21 4 PM

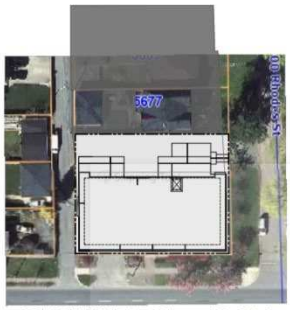
SEPTEMBER 21 10 AM

SEPTEMBER 21 12 PM

SEPTEMBER 21 2 PM

SEPTEMBER 21 4 PM

JUNE 21 12 PM



DECEMBER 21 12 PM

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2735 East 41st Avenue
DEVELOPMENT COST LEVY WAIVER ANALYSIS

To qualify for waiver of the Development Cost Levy (DCL) for the residential floor space, the application must meet the criteria set out in the relevant DCL By-law under section 3.1A. This application qualifies as outlined below:

(a) All dwelling units proposed in the building will be secured as rental through the Housing Agreement called for in the Conditions of Approval (Appendix B).

(b) None of the proposed dwelling units will be strata units, as required through the Housing Agreement.

(c) The average size of all the proposed dwelling units will not be greater than specified in the DCL By-law.

Unit Type	No. units proposed	DCL By-law maximum average unit size	Proposed average unit size
Studio	2	42 sq. m (452 sq. ft.)	37.6 sq. m (405 sq. ft.)
1-bedroom	10	56 sq. m (603 sq. ft.)	50.7 sq. m (546 sq. ft.)
2-bedroom	14	77 sq. m (829 sq. ft.)	70.2 sq. m (756 sq. ft.)
3-bedroom	6	97 sq. m. (1,044 sq. ft.)	92.6 sq. m (997 sq. ft.)

(d) The average initial rents for all proposed secured rental housing units do not exceed rents specified in section 3.1A(e) of the DCL By-law.

Unit Type	No. units proposed	Propose maximum average rents
Studio	2	$1,388
1-bedroom	10	$1,722
2-bedroom	14	$2,318
3-bedroom	6	$3,353

By way of the Housing Agreement, the tenure of the housing will be secured as rental for the longer of the life of the building and 60 years, and the initial rents at occupancy will be secured to meet the averages set out under (d) above.

* * * * *

2735 East 41st Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

To rezone the site from C-1 to CD-1 to allow for a five-storey building with 32 secured rental housing units, under the *Secured Rental Policy*.

Public Benefit Summary:

The proposal would provide 32 secured rental housing units for the longer of 60 years and the life of the building. The project would also contribute a DCL payment for the commercial floor area, and a UDCL payment for the commercial and residential floor area.

	Current Zoning	Proposed Zoning
Zoning District	C-1	CD-1
FSR (site area = 1,336 sq. m (14,383 sq. ft.)	1.20	2.46
Buildable Floor Space (sq. ft.)	17,260	35,382
Land Use	Mixed-use	Mixed-use

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL[1]	$113,501
Utilities DCL[1]	$322,946
TOTAL	$436,447

Other Benefits (non-quantified components):
32 rental housing units will be secured for the longer of the life of the building and 60 years.

[1] Based on rates in effect as of September 30, 2021; rates 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.

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2735 East 41st Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

PROPERTY INFORMATION

Address	Property Identifier (PID)	Legal Description
2735 East 41st Avenue	009-711-899	Lot 9 of Lot C Blocks 2 and 3 District Lot 50 Plan 9268

APPLICANT INFORMATION

Architect	Barnett Dembek Architects Inc.
Property Owner	Gulf and Fraser Fishermen's Credit Union

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	C-1	CD-1
Site Area	1,336 sq. m (14,383 sq. ft.)	1,336 sq. m (14,383 sq. ft.)
Land Use	Mixed-use	Mixed-use
Maximum FSR	1.20	2.46
Maximum Height	10.7 m (35.1 ft.)	15.5 m (50.8 ft.)
Floor Area	1,603.2 sq. m (17,260 sq. ft.)	3,287.1 sq. m (35,382 sq. ft.)
Unit Mix	N/A	**Market Rental Units** Studio 2 1-Bed 10 2-Bed 14 3-Bed 6 **Total 32 units**
Parking and Bicycle Spaces	As per Parking By-law	25 Vehicle parking spaces 80 Class A bicycle spaces 1 Class B loading space.
Natural Assets	No existing on-site by-law trees 9 existing street trees	4 Existing street trees retained 5 New street trees planted 5 New on-site trees planted.

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