CITY OF VANCOUVER

REFERRAL REPORT

Report Date:	May 3, 2022
Contact:	Yardley McNeill
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Meeting Date:	May 17, 2022

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Amendment: 809 West 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 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 Arno Matis Architecture, on behalf of 809 Projects Holdings Ltd. (Inc. No. BC1137012), the registered owner of the lands located at 809 West 41st Avenue [*PID 010-075-909; Lot A Block 867 District Lot 526 Plan 8454*] to amend CD-1 (34) (Comprehensive Development) District, to increase the floor space ratio (FSR) to 7.11 and the building height to 60.6 m (199 ft.) and 64.3 m (211 ft.) for the portion with rooftop indoor amenity, to permit the development of an 18-storey mixed-use building with ground-floor commercial space and 131 secured-rental residential units, of which 20% of the residential floor area would be secured as Moderate Income Rental Housing Units, be approved in principle;

FURTHER THAT the draft amendments to the 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 Arno Matis Architecture, received March 5,

2021, provided 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 amendments to 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 amendments to the CD-1 By-law, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C, be approved.

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

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

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

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

REPORT SUMMARY

This report evaluates an application to amend the existing CD-1 (34) (Comprehensive Development) District at 809 West 41st Avenue to permit an 18-storey mixed-use development. Ground-floor commercial space with a total of 131 secured-rental residential units are proposed, of which 20% of the residential floor area (approximately 21 units) would be secured as Moderate Income Rental Housing (MIRH) units. A total floor area of 11,093.0 sq. m (119,403 sq. ft.) and a density of 7.11 FSR are proposed. Three levels of underground parking are accessed from the lane.

The application proposes secured-rental and moderate income rental housing with commercial space, which meet the intent of the *Oakridge Transit Centre and Adjacent Sites Policy Statement*, which included this property as one of the adjacent sites, and the *Issues Report: Intensification of Large Sites to include Moderate Income Rental Housing,* where the *Oakridge Transit Centre and Adjacent Sites Policy Statement* was referenced. Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of

Planning, Urban Design and Sustainability to approve it in principle, subject to the Public Hearing, and subject to the Conditions of Approval contained in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Oakridge Transit Centre and Adjacent Sites Policy Statement (2015)
- Issues Report: Intensification of Large Sites to include Moderate Income Rental Housing (2019)
- Cambie Corridor Plan and Cambie Corridor Public Realm Plan (2018)
- CD-1 (34) District Schedule (1965)
- Housing Vancouver Strategy (2017)
- Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives (2017, last amended 2019)
- 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 2021)
- Vancouver Development Cost Levy By-law No. 9755 (2008, last amended 2020)
- Vancouver Utilities Development Cost Levy By-law No. 12183 (2018, last amended 2020)
- Public Art Policy and Procedures for Rezoned Developments (1994, last amended 2014)
- Latecomer Policy (2021)
- Urban Forest Strategy (2014, last amended 2018)

REPORT

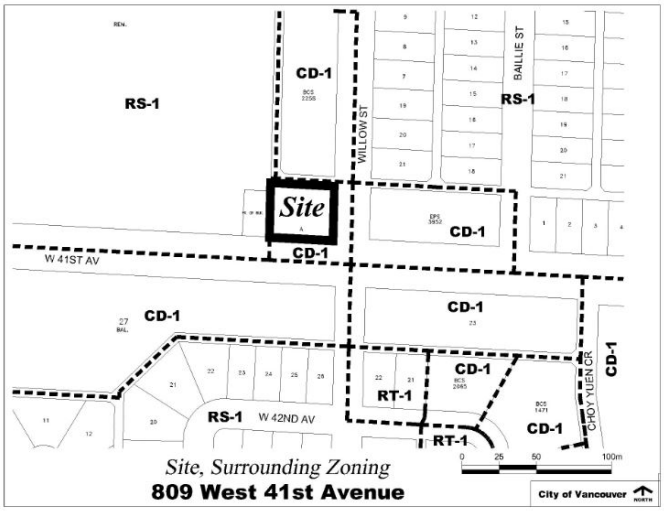
Background/Context

1. Site and Context

The subject site is on the northwest corner of West 41st Avenue and Willow Street (Figure 1). Comprised of one legal parcel, the total site area is 1,560.2 sq. m (16,794 sq. ft.) with a current frontage of 42.7 m (140 ft.) and a depth of 36.6 m (120 ft.). Following rezoning, future road dedications and statutory right-of-ways for road widening and public realm improvements along 41st Avenue and Willow Street will reduce the site size. The existing zoning is CD-1 (34) and currently developed as the Oakmont Medical Centre, a two-storey office building. There are no existing residential units on site.

The site is located in the Oakridge local area, five blocks west of the Oakridge-41st Avenue Canada Line Station. The surrounding area is undergoing significant change with developments under consideration or approved, including Oakridge Centre, with heights up to 52 storeys, and the Jewish Community Centre ("JCC") and Oakridge Transit Centre ("OTC"), both with heights up to 26 storeys. To the north and east are townhouses and new six-storey buildings. The RS-1 sites to the northeast have the potential to redevelop up to 18 storeys.

Figure 1: Location Map – Site and Context



Local School Capacity – The site is within the catchment areas of Sir William Osler Elementary School and Eric Hamber Secondary School, both less than 1 km away. According to the Vancouver School Board (VSB)'s *2021 Long Range Facilities Plan*, Sir William Osler will be operating under capacity, with a capacity utilization of 70% by 2029. Eric Hamber Secondary will also be under capacity, with a utilization of 86% by 2029. The VSB continues to monitor development and work with City staff to help plan for future growth.

Neighbourhood Amenities – The following amenities exist in the area:

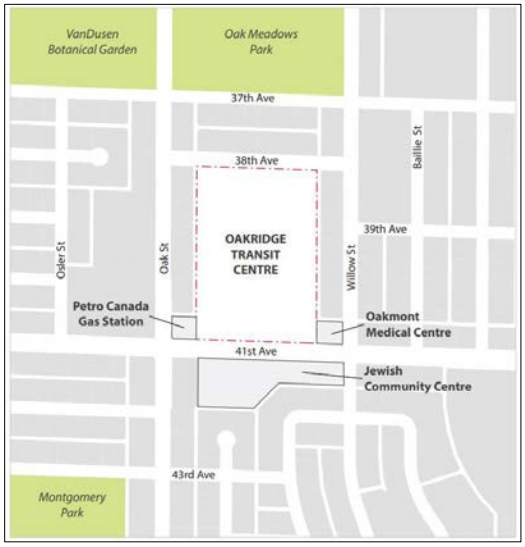
- *Parks*: Future Oakridge Transit Centre park (200 m), future Oakridge Centre rooftop park (500 m), Oak Meadows Park (550 m), Montgomery Park (650 m) and Queen Elizabeth Park (1.1 km)
- *Community Facilities:* Jewish Community Centre (200 m) and future Oakridge Civic Centre (community centre, library, childcare, seniors centre) (500 m), multiple childcare facilities (within 1 km)
- *Services:* Oakridge Shopping Centre (600 m)

2. Policy Context

Oakridge Transit Centre and Adjacent Sites Policy Statement ("OTC Policy Statement") – The *OTC Policy Statement* establishes policy to guide redevelopment of the OTC and three adjacent sites: the Jewish Community Centre, Petro-Canada Station, and the subject site Oakmont Medical Centre (see Figure 2). The vision for these areas is to contain a mix of uses, building forms, and community facilities. A range of housing tenures, incomes, and local-serving retail are intended, all focused around a central public park and future childcare centre.

For the Oakmont Medical Centre, the *OTC Policy Statement* anticipates a six-storey building, with an FSR between 2.0 and 2.5. Redevelopment of the subject site is to serve as a transition between the taller buildings at the OTC site and adjacent mid-rise buildings to the east along 41st Avenue.

Figure 2: Oakridge Transit Centre Site and Adjacent Sites



Cambie Corridor Plan ("Plan") – While the OTC and adjacent sites are within the Oakridge Municipal Town Centre ("MTC") sub-area of the *Plan*, they are identified as one of several large 'major sites' that require site-specific policy to respond to its unique characteristics and site size. The *Plan* intentionally did not provide specific policy direction for the four sites and instead, points to the *OTC Policy Statement* for guidance. The *Plan* provides direction for the surrounding MTC sites, for which the redevelopment of the OTC and adjacent sites are to respond to (Figure 3).

Figure 3: Oakridge Transit Centre, Oakridge Municipal Town Centre, and Surrounding Sites

Issues Report: Direction for Intensification of Large Sites to Include Moderate Income Rental Housing ("Issues Report") – In 2019, Council directed staff to consider additional density for the OTC and adjacent sites. Additional density is permitted beyond the 2.5 FSR limit in the 2015 *OTC Policy Statement* for proposals that include moderate income rental housing. The *Issues Report* noted that the final density would be determined during a rezoning process,

with the goal of delivering additional housing (secured rental and below-market rental) on major project sites.

Strategic Analysis

1. Proposal

The application proposes to amend the existing CD-1 (34) (Comprehensive Development) District for 809 West 41st Avenue to permit a mixed-use development. The proposal is for an 18-storey building with ground-floor commercial uses and 131 secured-rental units above (see Figure 4). Approximately 21 units, or 20% of the residential floor area, would be secured as Moderate Income Rental Housing Units. A building height of 60.6 m (199 ft.) to the top of roof parapet and 64.3 m (211 ft.) to the rooftop amenity is proposed. The floor area is 11,093.0 sq. m (119,404 sq. ft.) with a total FSR of 7.11. Three levels of underground parking are accessed from the lane.

Figure 4: View from Willow Street, Looking Southwest

2. Land Use

The proposed mix of residential and 592.3 sq. m (6,375 sq. ft.) of commercial uses are consistent with the *OTC Policy Statement*, which anticipated retail and residential uses at this location.

3. Form of Development, Height, and Density (Drawings in Appendix E and statistics in Appendix H)

In assessing urban design performance, built form directions are provided in the *OTC Policy Statement*, the *Plan*'s "Mixed-Use Buildings on Arterials: 4 to 22 Storeys," and *Issues Report.*

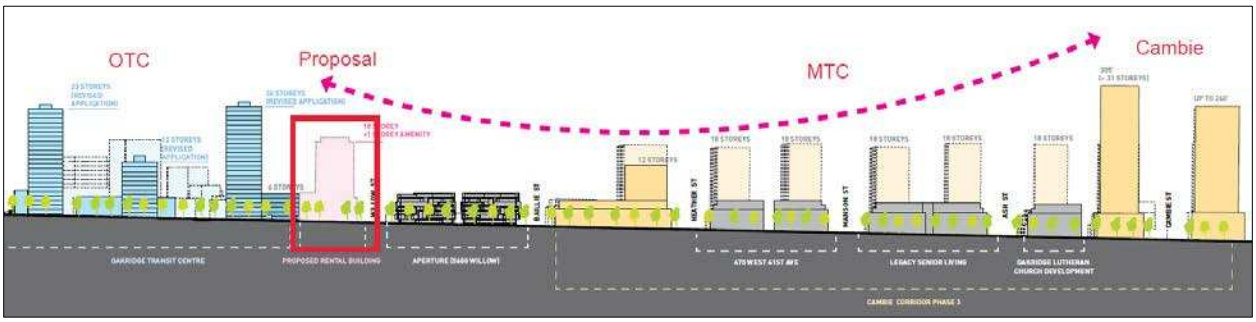
Form of Development – While the *OTC Policy Statement* recommends a six-storey building, the subsequent *Issues Report* permits additional heights for the provision of MIRH units, subject to a form of development analysis. Urban design analysis for this proposal considered contextual fit, shadow impacts, and enhancements to the public realm.

A slender tower with a 492 sq. m (5,300 sq. ft.) floor plate is proposed. While substantially smaller than the *Plan's* maximum average of 604 sq. m (6,500 sq. ft.), this slimmer tower permits sufficient tower spacing for light, views and openness to the sky. The tower placement is closer to the intersection and away from the lane, allowing a sensitive transition to the neighbouring townhouses. The indoor rooftop amenity space above the 18th storey is set back from the building edges to minimize its visibility, consistent with the *Plan*. Staff have included a condition to further enhance the slimness of the tower.

Figure 5: View from 41st Avenue and Willow Street, Looking Northwest

Height – The *Issues Report* permits increases to building heights for the provision of MIRH units, pending form of development analysis. The streetscape in Figure 6 illustrates how the proposed height responds to the existing and future context. The OTC development to the west can reach a height of 26 storeys with six-and 18-storeys to the east. At 18-storeys, this proposal's height is considered a compatible transition to the surrounding heights and evolving context. The proposed six-storey podium height aligns with the adjacent OTC development's podium, and is similar in height to the recently built six-storey buildings to the east.

Figure 6: Anticipated Streetscape of West 41st Avenue, Looking North



The rooftop amenities are set back from all sides of the building to minimize their prominence and perceived height. A condition to relocate the mechanical rooftop enclosure is required to further reduce its visibility.

Density – The *OTC Policy Statement* allows a density of up to 2.5 FSR, while the subsequent *Issues Report* permits a density increase for the provision of MIRH units. Given the tower floor plate, height, and form of development, an FSR of 7.11 is appropriate for the site.

Public Realm – The *OTC Policy Statement* and *Plan* require an activated public realm with special attention to the treatment of the lane. A pedestrian mews at the rear of the site strengthens the pedestrian connections to the OTC site and offers a landscape buffer to the neighbouring townhouses (see Figure 7). In addition, ground-floor retail spaces are provided along all three sides of the building to animate the streets and lane. Staff have included conditions to further enhance the public realm, by providing an unobstructed rear yard and mews, and continuous ground-level weather protection along all commercial frontages.

Figure 7: Aerial View along Willow Street Looking West Showing Pedestrian Mews

Private Amenity Spaces – Residential common indoor and outdoor amenities are provided above the tower, per the *Plan*. A condition to expand the size of the amenity is secured, such as a recommendation to increase the children's play area on the podium.

Urban Design Panel – The Urban Design Panel supported this application on July 7, 2021. Recommendations were sought to introduce weather protection, expand the private amenities, and consider passive design and resiliency strategies (see Appendix D). Staff have included conditions to address the commentary of the Panel.

Given the site-specific conditions and guiding policies, the proposed density, height and form of development reflect the intent of the *OTC Policy Statement*, *Issues Report*, and *Plan*. Staff support the application subject to Urban Design conditions detailed in Appendix B.

4. Housing

Housing Vancouver establishes 10-year targets for new rental units, shown in Figure 8. If approved, this application would add 131 secured-rental housing units to the city's rental stock.

Figure 8: Progress Towards 10-Year Housing Vancouver Targets for Purpose-Built Market and Developer-Owned Below-Market Rental Housing as of December 31, 2021

Housing Type	Category	10-Year Targets*	Units Approved Towards Targets*
Purpose-Built Market Rental Housing Units	Market Rental	16,000	8,275 (52%)
	Developer-Owned Below-Market Rental	4,000	660 (17%)
	Total	20,000	8,935 (45%)

**Note that tracking progress towards 10-year Housing Vancouver targets began in 2017*
**Unit numbers exclude the units in this proposal.*

Proposed Rents and Income Thresholds – The application proposes 100% secured-rental units with a minimum of 20% of the residential floor area as MIRH units. The MIRH units in this proposal are to be rented at the same rates that meet the affordability requirements of moderate income households under the *Moderate Income Rental Housing Pilot Program*. Average market rents in newer rental buildings on the Westside are shown in Figure 9.

Figure 9: Comparable Average Market Rents and Home-Ownership Costs (Westside)

	Project Proposed Rents – MIRH Units (2020 rents*)	Average Market Rent in Newer Buildings - Westside (CMHC, 2020)[1]	Monthly Costs of Ownership for Median-Priced Unit with 20% Down Payment –Westside (BC Assessment 2020)[3]	Down-Payment of 20%
Studio	$1,039	$1,832	$2,569	$99,050
1-bed	$1,312	$1,975	$3,191	$124,600
2-bed	$1,750	$2,804	$4,812	$186,600
3-bed	$2,187	$3,349	$7,809	$309,000

[*] Following 2021 amendments to the MIRHPP Policy, BMR starting rents for this project may be increased annually from 2017 until initial occupancy, per annual maximum increases authorized by BC's Residential Tenancy Act. For comparison, rents have been increased to 2020 to align with most recent CMHC data.
[1] From Oct. 2020 CMHC Rental Market Survey for purpose-built rental completed in 2011 or later on Westside.
[2] For studio, 1-, 2-, and 3-bedroom units, the maximum DCL rents are the average rents for all residential units built since the year 2005 in Vancouver as published by CMHC in the fall 2020 Rental Market Report plus 10%.
[3] Assumptions: median of BC Assessment apartment sale prices in Westside in 2020 by unit type, 20% down payment, 5% mortgage rate (Bank of Canada conventional rate), 25-year amortization, $150-250 monthly strata fees and monthly property taxes at $2.92 per $1,000 of assessed value (2020 assessments and property tax rate).

To be eligible for MIRH units, a household's gross annual income cannot exceed the income requirements for the relevant unit type, with at least one household member per bedroom. Eligibility is described in the *Moderate Income Rental Housing Pilot Program* document.

Vacancy Rates – Vancouver has exhibited historically low vacancy rates during the last 30 years. In 2020, the purpose-built apartment vacancy rate was 2.8% in Vancouver (based on Canadian Mortgage and Housing Corporation (CMHC) Market Rental Survey). This rate was higher than the previous year (1%), but still below the 3-5% that is considered a balanced rental market. This site is in CMHC area for the Westside/Kerrisdale area, with a vacancy rate of 0.6%.

Housing Mix – The proposed units are to be designed in accordance with the *Family Room: Housing Mix Policy for Rezoning Projects*, requiring at least 35% family units in rental projects. This application would deliver 61 family units (46.5%) across the project. The 35% family housing requirements are being met for both the market rental and MIRH units, shown in Figure 10.

Figure 10: Proposed Unit Mix for the Market Rental and Moderate Income Rental Housing Units

Market Rental Units		Moderate Income Rental Housing Units	
Studio	0 units	Studio	0 units
1-bed	61 units	1-bed	9 units
2-bed	39 units	2-bed	4 units
3-bed	10 units	3-bed	8 units
Total	110	Total	21
Total: 131 units			

Security of Tenure – All 131 rental units will be secured as rental through a Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of the building (Appendix B). The agreement is registered on title to secure starting rents for the MIRH units and will prohibit the stratification and separate sale of individual units. The agreement will limit the rental rate increase for the MIRH units, even with a change in tenancy. Annual reporting on the operation of the MIRH units will be required and contain information including rents and verification of tenant eligibility.

5. Parking and Transportation

Vehicle and bicycle parking are provided over three levels of underground parking, accessed from the lane. A total of 43 vehicle parking spaces and 382 bicycle spaces are proposed.

Given the proximity to transit, the proposal is eligible for vehicle parking reductions, explored at the development permit stage. Engineering conditions in Appendix B include a dedication for road widening and public realm improvements, including sidewalk improvements, street lighting, and bus stop amenities.

6. Environmental Sustainability and Natural Assets

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

Natural Assets – The *Urban Forest Strategy* seeks to protect and strengthen Vancouver's urban forest. The *Protection of Trees By-law* requires permission be granted to remove trees to retain as many healthy trees as possible while still meeting the challenges of development. This is in keeping with City's goals of resilient natural systems in our urban areas.

There are two existing trees on the site and seven street trees on City lands adjoining the site. One on-site tree and two off-site trees are proposed for removal, as it conflicts with the future development, with six proposed for retention. Thirty-eight new on-site replacement trees are proposed on site and on the City boulevard. See Appendix B for landscape and tree conditions.

7. Public Input

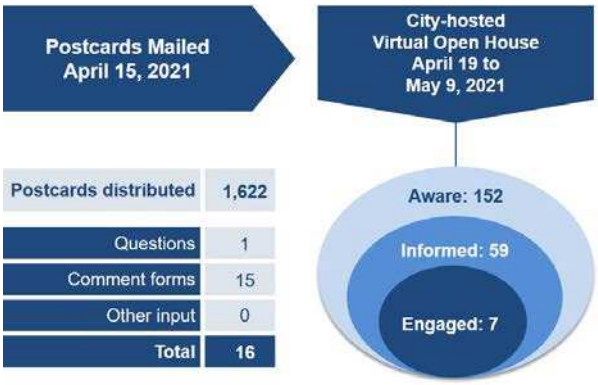
Public Notification – A rezoning information sign was installed on the site on April 6, 2021. Approximately 1,622 notification postcards were distributed within the neighbouring area on or

about April 15, 2021. Notification, application information, and comment forms, were provided on the City's digital engagement platform, *Shape Your City*.

Virtual Open House – A virtual open house was held from April 19 to May 9, 2021 on Shape Your City. The open house consisted of an online event where questions were submitted and posted with a response. Digital presentations and a digital model representation were available for online viewing.

Public Response and Comments – Public input was received through online questions, comment forms, and by email and phone. A total of 16 submissions was received. A summary of all public responses may be found in Appendix D.

Figure 11: Overview of Notification and Engagement



Comments of support noted the appropriate building height, massing, and density, provision of rental housing, building's design, and the inclusion of MIRH units. Comments of concern were regarding the building height, massing, density and the amount of parking proposed.

Response to Public Comments – Although the proposed height is higher than the *OTC Policy Statement* anticipated, staff have reviewed the application and determined that the height, density, and overall form of development is appropriate for the evolving neighbourhood context, as a transition between the adjacent higher forms at OTC and JCC, and mid-rise buildings to the east. Regarding parking, the number of parking spaces take into consideration the site's proximity to transit, which are eligible for further reductions. Per Appendix B, further design development is required to improve the slimness of the tower and enhance the public realm.

8. Public Benefits

Community Amenity Contributions (CACs) – 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 the provision of on-site amenities or a cash contribution based on community needs, area deficiencies and the impact of the proposed development on City services.

The proposal includes 100% of the residential floor area as rental. Of the 131 secured-rental units, 20% of the residential floor area (approximately 21 units) are secured as MIRH units, thereby delivering improved affordability.

Real Estate Services staff reviewed the applicant's pro forma and determined that no additional CAC contribution is required. Staff have concluded that the amount of floor area offered as

MIRH units aligns with the expected financial performance of this application, and no cash CAC is expected. The public benefit accruing from this application is the contribution to the City's rental housing stock, including the addition of MIRH units.

***Development Cost Levies* (DCLs)** – 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 Utilities DCL, which will be calculated on the floor area proposed at the development permit stage. Based on rates in effect as of September 30, 2021 and the proposed 10,500.7 sq. m (113,028 sq. ft.) of residential space and 592.3 sq. m (6,375 sq. ft.) of commercial space $3,338,654 of DCLs would be expected from this project.

Projects that qualify as "for-profit affordable rental housing" under the DCL By-law are eligible for a waiver of the City-wide DCL. The applicant is not requesting a waiver of the City-wide DCL for the residential portion of the building. If the applicant requests a DCL waiver, further staff review will be required of a revised pro forma. If the revised pro forma results in an additional land lift being generated such that a CAC is payable, or additional or deeper levels of affordability can be provided, the application would be required to return to Council through a subsequent Public Hearing. The Housing Agreement would be amended or replaced, as required, in order to include the applicable terms and agreements with respect to the DCL waiver, such as the maximum average unit sizes for "for-profit affordable rental housing" and maximum average rents by unit type, all to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services. The value of a City-wide DCL waiver on the residential floor area would be approximately $2,061,640.

DCL bylaws and 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 rate increases, should an application be received prior to the rate adjustment, per the DCL Bulletin.

Public Art Program – The application is subject to the *Public Art Policy and Procedures for Rezoned Developments* as the floor area meets the minimum 9,290 sq. m (100,000 sq. ft.). Applicants may elect to provide on-site artwork estimated to be $236,392 or cash-in-lieu (at 80% of the public art budget.

See Appendix F for public benefit details for the *Plan* and Appendix G for a summary of public benefits expected from this application.

Financial Implications

The 131 rental housing units, including the 20% of residential floor secured as MIRH units, will be privately owned and operated, secured by a Housing Agreement and Section 219 Covenant for the longer of 60 years and the life of the building.

The site is subject to both a City-wide DCL and Utilities DCL. Based on rates in effect as at September 30, 2021, total DCLs of approximately $3,338,654 would be expected from this development.

If the rezoning application is approved, the applicant will be required to provide public art on site at an estimated value of $236,392, or make a cash contribution to the City for off-site public art for 80% of that amount.

CONCLUSION

The proposed land uses, height, and density meet the intent of the *OTC Policy Statement* and *Issues Report*. The proposed mixed-use form represents an appropriate urban design response to the site and context. If approved, the application would contribute 131 secured-rental units, with 20% of the residential floor area secured for Moderate Income Rental Housing Units (approximately 21 units), to the City's rental housing stock.

The General Manager of Planning, Urban Design and Sustainability recommends that the rezoning application be referred to Public Hearing, together with the draft CD-1 By-law provisions, as generally shown in Appendix A. It is recommended that, subject to the Public Hearing, the application including the form of development, as shown in plans in Appendix E, be approved in principle, subject to the applicant fulfilling conditions of approval in Appendix B.

* * * * *

809 West 41st Avenue
PROPOSED CD-1 BY-LAW AMENDMENTS

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 indicated provisions of By-law No. 4159.

2. In section 2, Council strikes out "and the only uses permitted within the said area and the only uses for which development permits will be issued are the following:

   (a) an office building

   (b) integrated parking and loading facilities;

   subject to such conditions as Council may by resolution prescribe pursuant to Section 565 (f) of the Vancouver Charter"

3. Council renumbers section 3 as section 10.

4. Council adds new sections 3 to 9 as follows:

   "Definitions

   3. Words in this By-law have the meaning given to them in the Zoning and Development By-law, except that:

      (a) for the purposes of calculating the total dwelling unit area for section 5.1 of this By-law, "Dwelling Unit Area" is the floor area of each dwelling unit, measured to the inside of all perimeter walls, excluding any floor area as required by section 6.4 of this By-law; and

      (b) "Moderate Income Rental Housing Units" means dwelling units that meet the requirements of approved Council policies and guidelines for Moderate Income Rental Housing, as secured by a housing agreement registered on title to the property.

   Uses

   4. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within 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 Multiple Dwelling and Dwelling Units in conjunction with any of the uses listed in this section;

(c) Institutional Uses;

(d) Office Uses;

(e) Retail Uses;

(f) Service Uses;

(g) Utility and Communication Uses; and

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

Conditions of Use

5.1 A minimum of 20% of the total dwelling unit area must be moderate income rental housing units.

5.2 The design and layout of at least 35% of the total number of moderate income rental housing units and at least 35% of the total number of other dwelling units must:

(a) be suitable for family housing; and

(b) include two or more bedrooms.

5.3 No portion of the first storey of a building may be used for residential purposes except for entrances to the residential portion.

5.4 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

(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.

5.5 The Director of Planning may vary the use conditions of section 5.4 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

6.1 Computation of floor space ratio must assume that the site consists of 1,560.2 m^2, being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

6.2 The floor space ratio for all uses combined must not exceed 7.11.

6.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.

6.4 Computation of floor area and dwelling unit 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; and

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

(b) patios and roof decks, provided that the Director of Planning first considers the effect on privacy and overlook;

(c) areas used for off-street parking and loading, the taking on or discharging of passengers at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;

(d) areas used for bicycle storage;

(e) areas used for heating and mechanical equipment;

(f) entries, porches and verandahs if the Director of Planning first approves the design;

(g) 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; and

(h) all storage area below base surface for non-dwelling uses.

6.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, common amenity areas, to a maximum of 10% of the total floor area being provided.

6.6 Where floor area associated with residential storage area is excluded, a minimum of 20% of excluded floor area above base surface must be located within the moderate income rental housing units as storage area.

Building Height

7.1 Building height, measured from base surface, must not exceed 60.6 m.

7.2 Despite section 7.1 of this By-law and section 10.18 of the Zoning and Development By-law:

(a) if the Director of Planning permits common rooftop amenity space, the height of the portion of the building with the common rooftop amenity space must not exceed 64.3 m;

(b) the Director Planning may permit rooftop mechanical and architectural appurtenances, elevator overrun, mechanical rooms and rooftop access structures to exceed the maximum building height, up to a maximum of 71.3 m.

Horizontal Angle of Daylight

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

8.2 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.

8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.

8.4 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.

8.5 An obstruction referred to in section 8.2 means:

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

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

8.6 A habitable room referred to in section 8.1 is a room in a dwelling unit and 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

9. 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”.

* * * * *

809 West 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 Arno Matis Architecture, on behalf of the registered owner, received March 5, 2021 and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

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

Urban Design

1.1 Design development to build upon the contextual fit and neighbourliness as follows:

(a) Reduce the perceived height and visual presence of the mechanical rooftop enclosure.

Note to Applicant: This may be achieved by relocating the mechanical enclosure to the principal roof adjacent to the rooftop partial amenity storey, or below-grade if possible, and utilizing light-appearing materials and tones.

(b) Reduce the perceived bulk by deleting balcony-enclosing elements.

Note to Applicant: Ensuring that balconies are completely open can enhance the slimness of the tower, reduce shadow-creating elements and increase the sense of openness and outlook for the inhabitants, thus reducing visual and shadow impact while enhancing the livability of the project. The tower floorplate should not exceed 557.4 sq. m (6,000 sq. ft.).

(c) Confirm as much alignment as possible of the podium with the future adjacent Oakridge Transit Centre (OTC).

Note to Applicant: As this project and that of the OTC develop, the podiums and street walls should be coordinated as much as possible to ensure a seamless continuous urban edge and street enclosure, as well as continuous pedestrian mews at the rear. The shoulder setback above Level 5, on all sides, should closely reflect the expected 3 m (10 ft.) shoulder of the abutting OTC to the west. The setback should be clear and measured to the outermost face of the building. The northern bump-outs of the tower appear to encroach into the setback (gridlines C and CC) and should be outside of the setback. This will ensure

compatibility with the future westerly development and provide a gentle transition to the lane, the townhouses across the lane, and the six-storey development to the east. The tower may encroach into the south shoulder for a continuous vertical tower expression.

1.2 Design development to further enrich the public realm and pedestrian experience as follows:

(a) Ensure an unobstructed rear yard and mews condition.

Note to Applicant: The rear setback ensures continuity of the public realm and pedestrian movement from the adjacent OTC. The proposed loading and parking ramp currently encroach into this setback and interrupt the pedestrian movement. Integrating service elements (e.g. loading, ramp) into the building form will ensure an unobstructed public realm, reduces visual impact especially to neighbouring properties across the lane, and enhances pedestrian comfort and interest.

(b) Introduce continuous ground-level weather protection at all commercial frontages.

Note to Applicant: Continuous weather protection should be integrated with the building design, be part of the overall architecture and composition, and be appropriate in scale. Suggested canopy dimensions are a minimum 1.8 m (6 ft.) depth at 2.7 m (9 ft.) above grade with the depth increasing proportionally to a maximum height of 3.65 m (12 ft.) above grade.

1.3 Design development to reinforce the building's prominence by maintaining and building upon the proposed overall architectural expression, character and materiality.

Note to Applicant: The building occupies a prominent corner location on 41st Avenue leading up to the higher towers at the OTC and Jewish Community Centre. While it is understood that the architectural expression and materials may evolve during the development permit stage, the evolution should preserve and build upon the proposed architectural expression and the character-defining elements such as the curved alternating forms of the balconies and building envelope. High-quality materials, such as the proposed metal rain-screen cladding, are expected.

1.4 Design development to enhance the livability of the project as follows:

(a) Introduce supplemental outdoor amenity space on the podium's roof (Level 7) that is co-located to supplemental indoor amenity space.

Note to Applicant: The size and use of the amenities should be appropriate for the number of family units. Indoor amenities should at a minimum include washrooms, a kitchenette, and a child surveillance area. A children's play space on the podium supplementing the play space at the tower rooftop will provide a play space option with enhanced comfort and safety. Flexible, natural play elements and exploratory structures are encouraged. Refer to *High Density Housing for Families with Children Guidelines*. See also Landscape Condition 1.11.

(b) Ensure all habitable rooms have direct daylight access through a window in the exterior wall of the building.

Note to Applicant: In-board windowless rooms, including dens, are not supported (e.g. podium units 01-04; 09). An additional detailed review of unit layouts will be conducted at the Development Permit stage to ensure livability, functionality, and meeting the Horizontal Angle of Daylight. Refer to the *High-Density Housing for Families with Children Guidelines*.

(c) Ensure sufficient private outdoor space for all dwelling units.

Note to Applicant: Recommended balcony minimum clear dimensions are 1.8 m (6 ft.) in depth and 2.8 m (9 ft.) in width. Refer to the *High-Density Housing for Families with Children Guidelines*.

(d) Separate the ground-level residential and commercial circulation to enhance safety and functionality.

(e) Introduce residential storage as per the requirements of the *Bulk Storage and In-Suite Storage – Multiple Family Residential Developments* bulletin.

1.5 Design consideration to explore passive design and resiliency strategies.

Note to Applicant: As noted by the Urban Design Panel, explore incorporating cooling and other resiliency and passive design elements to further enhance the project's sustainability and livability.

1.6 Design development to provide a green roof as per the requirements of the *Roof-Mounted Energy Technology and Green Roofs* bulletin.

Note to Applicant: It should be noted on the architectural and landscape plans the type of green roof proposed including the percentage. Refer to: https://bylaws.vancouver.ca/bulletin/bulletin-roof-mounted-energy-technologies-and-green-roofs.pdf. See Landscape Condition 1.13.

1.7 Identification 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 http://former.vancouver.ca/commsvcs/guidelines/B021.pdf.

Crime Prevention through Environmental Design (CPTED)

1.8 Design development to respond to CPTED principles, including:

(a) Provide natural surveillance throughout pedestrian realm including underground parking, with glazing into publicly accessible areas such as elevator lobbies, and stairs.

(b) Reduce opportunities for theft in the underground parking and mail theft.

(c) Reduce opportunities for mischief in alcove and vandalism, such as graffiti.

(d) Reduce opportunities for skateboarding in the open spaces.

Landscape Design

1.9 Adherence to the guidelines set forth in the *Cambie Corridor Public Realm Plan*, in keeping with the general intent of this document, including street tree planting as required, in coordination with Engineering condition #1.44.

1.10 Design development to retain tree #6, and the following;

(a) An addendum arborist report that confirms the arborist has reviewed and concurs with the most recent architectural and landscape drawings in terms of what was understood to be reasonable design measures within known site conditions and acceptable tolerances to impacts. Any above or below grade design conflicts must be brought to the attention of the City and the applicant at earliest convenience and may be subject to further design development. Provide specific recommendations that inform private and public realm landscape design and methods for tree retention. Include any construction limitations such as the location of construction storage materials, temporary structures, utility conflicts, site access, development phasing and temporary irrigation requirements.

(b) Landscape plan revisions to be informed by a revised arborist report with specific recommendations for optimal tree retention.

(c) Accurate illustrations, notations, dimensions on the appropriate plans and sections (engineer, architectural and landscape) to show all proposed utility locations, limit of excavation, shoring and forming methods, grading and re-landscaping in any tree protection zones.

(d) 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. The landscape architectural tree management plan provides useful information with regard to important cross-sections and other landscape design elements. While both documents should be made consistent and submitted at large scale with the revised submission package, the landscape architect's version should change its title label to differentiate it from the arborist tree plan.

(e) 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.

1.11 Refinement of the overall landscape plan, including materials, dimensions, details and sections for rooftop amenities such as urban agriculture and childcare play areas. Refer to Urban Design Conditions 1.4 (a), 1.6.

1.12 Provision of maximized tree growing medium and planting depths for tree and shrub planters to ensure long term viability of the landscape.

Note to applicant: Structural slabs need to be designed to handle loads and ensure adequate depth and continuous soil volumes. Growing mediums and planting depths should exceed CSLNA standards.

1.13 Provision of rooftop planting and presence of vegetation through extensive green roofs, and large planters in combination with small species tree canopy.

Note to Applicant: Shared gardening areas on rooftops should adhere to the *Urban Agriculture Design Guidelines for the Private Realm.* They should provide maximum solar exposure, universal accessibility and be provided with amenities such as raised beds, water for irrigation, potting bench, tool storage and composting.

1.14 Provision of sections (1/4 in. = 1 ft. or 1:50) illustrating the building to public realm interface facing the street, confirming a delineated private to public transition of spaces.

Note to Applicant: The section should include the building façade, as well as any steps, retaining walls, guardrails, fences and planters. The location of the underground parking slab should be included in the sections.

Sustainability

1.15 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings*, 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).

Engineering

1.16 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/roads-bridges-and-goods-movement [translink.ca]). In the event it is confirmed the proposed development impacts the MRN, a Construction Management Plan shall be submitted directly to Translink (MRN@translink.ca) 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.

1.17 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.

1.18 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.

1.19 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.

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

1.21 Provision of a finalized Transportation Assessment and Management Study (TAMS), to the satisfaction of the General Manager of Engineering Services, including:

(a) Updated parking provision, TDM plan, swept path analyses, etc. in the report to reconcile with the architectural drawing set.

(b) Updated swept path analyses to include all physical obstruction (e.g. utility poles, etc.) on the City's roadways.

Note to Applicant: For more information, refer to the current TAMS Guidelines for Consultants. The report must be signed and sealed by a Professional Engineer licensed with Engineers and Geoscientists BC.

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

Note to Applicant: The Parking Bylaw requirements and parking provision must be accurately summarized in the tech table in the drawing set.

1.23 A TDM Plan with a minimum of 24 points for residential rental and 14 points for retail is required to achieve the proposed vehicle parking reduction. A single TDM measure may count towards multiple land uses if it is usable by each land use. Refer to Schedule B of the TDM policy for detailed requirements for each measure. Provide TDM Plan as a separate package with complete information on TDM measures proposed, including the following clarifications:

(a) FIN-01 – Car Share Membership:

(i) Provision of a letter of support from a car share provider.

(ii) Provision of an operational plan detailing how the memberships will be offered and delivered, and the schedule for doing so.

(iii) If available, provision of any additional information regarding this measure (e.g., online sign-up portals or additional marketing materials) that demonstrates how the property owner will offer car share memberships and credits.

(b) ACT-01 – Additional Class A bicycle parking:

(i) Identification of the number and location of the additional Class A bicycle parking on plans.

Note to Applicant: Additional Class A bicycle parking spaces must meet the standards and minimums identified in the Parking By-law, and/or applicable Design Guidelines.

(c) ACT-02 – Improved Access to Class A bicycle Parking:

(i) Provision of concept design for excellent design of lighting, finishes, grades, convenience.

(ii) Provision of operational and design specifications for automated bicycle parking (if applicable).

(iii) Identification of the number and location of the Class A bicycle parking provided at- and/or above-grade on plans, as well as note the access route to reach the Class A bicycle parking from the outside.

(d) ACT-03 – Enhanced Class B bicycle parking:

(i) Provision of concept design for enhanced Class B bicycle parking.

(ii) Identification of the number, location and characteristics of the enhanced

Class B bicycle parking on plans.

(e) ACT-04 – Secure Public Bicycle Parking:

(i) Provision of design and detailed information as to how members of the public will be provided access to the Class A bicycle parking allocated for public access and use, including fee structure, registration process, hours of operations, etc.

(f) ACT-05 – Bicycle Maintenance Facilities:

(i) Notation and dimension location of facilities on plans.

(ii) Bicycle maintenance facilities to be located with convenient access to from Class A bicycle spaces.

(iii) Provision of an operational plan detailing the following:

i. A description of the amenities to be provided.

ii. A means of providing access to all residents, commercial tenants, and the public (if applicable); and

iii. A plan for maintaining these amenities.

(iv) If available, provision of any additional information regarding this measure (e.g. tool receipts, instructions for using an online sign-up portal, or marketing/ instructional materials) that demonstrates how the property owner will operate, administer, and maintain this common facility.

(g) COM-02 – Car Share Vehicles and Spaces:

(i) Identification/notation/dimension of car share spaces on plans.

(ii) Spaces to be located with convenient, public access at-grade, or on P1.

(iii) Provision of detailed information as to how and a design to enable members of the car sharing organization access into the building's underground parking 24 hours a day, 7 days a week.

(h) SUP-01 – Transportation Marketing Services:

(i) Provision of a description of the services to be provided.

(ii) If available, provision of any additional information regarding this measure (e.g., online signup portals or additional marketing materials) that demonstrates how the property owner will offer this service.

(i) SUP-02 – Real-Time Information:

(i) Identification of the general locations for proposed displays on plans.

(ii) Provision of description of the content (e.g. transit lines, walk time to transit locations, availability of on-site car share vehicles, availability of nearby shared bicycles, etc.) to be displayed, and service provider.

1.24 Subject to the acceptance of an approved TDM Plan, entry into a TDM agreement, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services, which identifies the following:

(a) Secures provision of funding towards long-term TDM monitoring fund in the amount of $280 per parking space waived.

(b) Secures the provision of TDM measures on the site.

(c) Permits the City to access and undertake post occupancy monitoring of the Transportation Demand Management (TDM) measures proposed.

(d) Agrees to make reasonable adjustments to the TDM measures as requested by the City, based on the TDM monitoring results.

(e) Enters into a Shared Vehicle Agreement with the City to secure the provision, operation and maintenance of one two-way Shared Vehicle and the provision and maintenance of one Shared Vehicle Parking Space for use exclusively by such Shared Vehicle(s), with such parking spaces to be in addition to the minimum parking spaces required by the Parking Bylaw, on terms and conditions satisfactory to the General Manager of Engineering Services and the Director of Legal Services, including the following:

(i) Provision of one two-way Shared Vehicle to the development for a minimum period of three years.

(ii) Entry into an agreement with a two-way Shared Vehicle Organization satisfactory to the General Manager of Engineering Services to secure the operation and maintenance of the Shared Vehicle.

(iii) Provision and maintenance of the Shared Vehicle Parking Space for use exclusively by such shared vehicles.

(iv) Arrangements to allow members of the Shared Vehicle Organization access to the Shared Vehicle Parking Space.

(v) Provision of security in the form of a Letter of Credit for $50,000 per Shared Vehicle.

(vi) Registration of the Shared Vehicle Agreement against the title to the development, with such priority as the Director of Legal Services may require and including a covenant under section 219 of the Land Title Act of British Columbia, a statutory right of way, or other instrument satisfactory to the Director of Legal Services, securing these conditions.

(vii) A letter of intent from a two-way car share company indicating their

willingness to supply car share vehicles on the site at building occupancy. The letter is to also indicate acceptance of the general location, configuration and accessibility of the shared vehicle spaces.

1.25 Design development to improve access and design of bicycle parking and demonstrate compliance with the Bicycle Parking Design Supplement by performing the following:

(a) Provision of manufacturer specifications for the proposed stack bicycle parking racks.

Note to Applicant: Stack bicycle parking racks any require additional aisle width beyond the Bylaw minimum.

(b) Provision of bicycle parking lockers meeting the Parking Bylaw minimum requirements.

(c) Improved layout of the proposed bicycle rooms on P1 level such that each room has independent access path. A bicycle room access through another bicycle room is not supported.

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

(a) Provision of convenient, internal, stair-free loading access to/from all site uses.

(b) Confirmation that the slope of the internal access does not exceed 5%.

(c) Confirmation that the slope of the loading bay does not exceed 5%.

(d) Provision of a standard widened loading throat to facilitate maneuvering.

(e) Provision of additional loading bay width for the second and subsequent loading spaces.

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

(a) Improved two-way flow for vehicles on the ramp and in the parking areas through provision of the following:

(i) A 2.7 m x 2.7 m (9 ft. x 9 ft.) corner cut at the entrance of the parkade.

(ii) Convex mirrors at the top and bottom of all ramps.

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

(a) A complete tech table is required showing the calculations for the minimum required parking, loading, bicycle spaces and the number of spaces being

provided.

(b) All types of parking and loading spaces individually numbered and labelled.

(c) Dimension of any/all column encroachments into parking stalls.

(d) Dimensions for typical parking spaces.

(e) Dimensions of additional setbacks for parking spaces due to columns and walls.

(f) Dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates.

(g) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates.

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

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

(i) Areas of minimum vertical clearances labelled on parking levels.

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

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

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

Note to Applicant: Stair ramps are not generally acceptable.

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

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

1.29 Gates/doors are not to swing more than 0.30 m (1 ft.) over the property lines or into any SRW areas.

1.30 Deletion of the “proposed laneway sidewalk” that crosses the property line in the lane, or relocate it fully within the site property lines.

1.31 Relocation of the parkade intake vents from the SRW on 41st Avenue and the parkade exhaust vents from the SRW on Willow Street.

Note to Applicant: The SRW is intended for public pedestrian use and the walking surface must be free of mechanical vents.

1.32 Deletion of the proposed street furniture shown on street right-of-way.

Note to Applicant: Proposed seating must be on private property.

1.33 Clarify garbage pick-up operations. Please provide written confirmation that a waste hauler can access and pick up from the location shown without reliance of the lane for extended bin storage. If this cannot be confirmed then an on-site garbage bin staging area is to be provided adjacent the lane.

1.34 Provision of a draft final Rainwater Management Plan (RWMP) which includes the following:

(a) Provide additional Tier 1 and Tier 2 measures wherever feasible. The proposed rainwater management strategy requires prioritization of the Tiers outlined in the rainwater management bulletin to meet the 24mm Volume Reduction requirement.

Note to Applicant: Prioritize methods of capture by Tier 1 and 2 with Tier 3 only as a last resort. Additional opportunities may include rainwater harvesting, expansion of the proposed green roof and/or area of planters. It is unclear why the total capture from Tier 1 and 2 practices only account for 15% of the Volume Reduction requirement. Appropriate justifications must be stated for each type of best management practice to determine if exemptions may be granted.

(b) Calculation of any detention system 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 and Tier 2 practices.

(c) Provide design specifics and details of all best management practices 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.

(d) 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.

(e) Provide adequate and concise supplementary documentation for any proprietary products that clearly demonstrates how they contribute to and/or meet the rainwater management requirements.

1.35 Provision of a Rainwater Management Agreement to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services registered prior to issuance of a development permit.

1.36 Provision of a final signed and sealed RWMP, which includes a written report, supporting calculations, computer models and drawings to the satisfaction of the General Manager of Engineering Services and the City Engineer prior to the issuance of any building permit.

1.37 Provision of a final signed and sealed Operations and Maintenance Manual for the rainwater management system to be included as an appendix in the RWMP Legal Agreement, to the satisfaction of the General Manager of Engineering Services and the City Engineer prior to the issuance of any building permit.

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

(a) Provisions of an updated Groundwater Management Plan which includes:

(i) Anticipated groundwater discharge rates for City approval.

Note to Applicant: Every effort should be made to limit permanent groundwater from discharge to the City drainage system.

(b) Provisions of an updated Impact Assessment which includes:

(i) Analysis to confirm that there are no significant risks from groundwater extraction/diversion.

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

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

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

(a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan https://vancouver.ca/files/cov/engineering-design-manual.PDF.

(b) All third party service lines to the development is to be shown on the plan (e.g. BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.

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

1.41 Existing wood pole in lane may be in conflict with access. Arrangements to the satisfaction of the General Manager of Engineering Services and the appropriate public

utility companies for pole relocation are required, if the (driveway, loading bay, walkway, etc.) cannot be relocated.

1.42 Show all City-supplied building grades on architectural and landscape drawings. To minimize grade differences, interpolate a continuous building grade between the points provided on the City supplied building grade plan.

1.43 Follow *Cambie Corridor Public Realm Plan* streetscape guidelines.

1.44 Architectural and Landscape Drawings to include the following:

(a) Remove the parkade from City property or clearly indicate that it is a surface right-of-way instead of showing the property line behind the parkade.

(b) Remove pavers from back boulevard.

(c) Provide a cold joint along the property line.

(d) Include all standard street tree notes.

1.45 The following statement is to be placed on the landscape plan: “This plan is NOT FOR CONSTRUCTION and is to be submitted for review to Engineering Services a minimum of eight weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive “For Construction” approval and related permits are issued. Please contact Engineering, Development and Major Projects and/or your Engineering, Building Site Inspector for details.”

Housing

1.46 The design and layout of at least 35% of the dwelling units must:

(a) Be suitable for family housing.

(b) Include two or more bedrooms.

(c) Comply with Council’s *High-Density Housing for Families with Children Guidelines*.

1.47 A minimum of 20% of the total dwelling unit area must be Moderate Income Rental Housing Units.

1.48 The proposed unit mix, including 58 one-bedroom units (44.3%), 12 one-bedroom and den units (9.2%), 43 two-bedroom units (32.8%), and 18 three-bedroom units (13.7%), 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.

1.49 The unit mix to be included in the development permit drawings, including studio units,

one-bedroom units, two-bedroom units, and three-bedroom units, generally complies with the unit mix guidelines in the *Moderate Income Rental Housing Pilot Program: Application Process, Project Requirements and Available Incentives*, for both the market and moderate income rental housing (MIRH) units, and must include 35% family units (two-bedroom and three-bedroom units). The MIRHs are to be distributed throughout the new building to the greatest extent possible.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be considered 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 and meets the intent of the unit mix guidelines in the *Moderate Income Rental Housing Pilot Program*.

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 are to be made to the satisfaction of the General Manager of Engineering Services, the Approving Officer and the Director of Legal Services for the dedication of the south 2.7 m of the site for road purposes and of the further dedication of a corner-cut truncation for road purposes at the southeast corner, measured from the intersection of the 2.7 m dedication line and the current Willow Street property line, northerly 6.0 m distance along the east property line and 1.5 m distance in an westerly direction along the 2.7 m dedication line.

A subdivision is required to effect the dedication. A subdivision plan and application to the Subdivision and Strata Group is required. For general information see the subdivision website at: http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx

2.2 Arrangements are to be made for the release of Easement and Indemnity Agreements 410245M (commercial crossing) and N108985 (building encroachment onto lane) prior to building occupancy.

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

2.3 Provision of a building setback and statutory right-of-way (SRW) for public pedestrian use over a portion of the site to achieve the following distances:

(i) 0.61 m offset from the east property line.

(ii) 1.1 m offset from the new south property line.

(iii) 1.3 m offset from the new property line on the southeast corner.

(iv) A triangle measuring 4.35 m along the south SRW line and 1.45 m along the new property line on the southeast corner from the intersection of the south SRW line and the new property line on the southeast corner.

Note to Applicant: The SRW will be free of any permanent encumbrance such as structures, mechanical vents, stairs, and planter walls at grade, but will accommodate the underground parking structure within the SRW agreement.

2.4 Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the Services are provided all to the satisfaction of the General Manager of Engineering Services. No development permit for the site, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit, as security for the Services, is provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. Except as explicitly provided for in Condition 2.5 (a), the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

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

(a) Provision of adequate water service to meet the fire flow demands of the project.

(i) Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by R.F. Binnie & Associates Ltd. dated November 27, 2020, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 200 mm along Willow Street or 200 mm along West 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.

(i) Implementation of development(s) at 809 West 41st Avenue require the following in order to maintain combined sewer flow conditions.

Note to Applicant: Development to be serviced to the existing 500 mm COMB sewer on Willow Street.

The post-development ten-year flow rate discharged to the storm sewer shall be no greater than the ten-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.

(c) Provision for the construction of, or full funding for, future street improvements from the centerline of West 41st Avenue and Willow Street adjacent to the site including any transition areas to connect existing and new curb alignments, all to the satisfaction of the General Manager of Engineering Services. These improvements will generally include the following: new concrete curb and gutter, raised protected bike lanes, protected intersection corner, concrete sidewalks, stormwater tree trench, curb ramps, bus stop, lane crossing, and improved street lighting and additional pedestrian scale lighting including relocation and/replacement of existing utility poles, traffic signal equipment, catch basins, and any necessary road reconstruction to accommodate the proposed street improvements.

Note to Applicant: The stormwater tree trench to treat and retain 48 mm of rainfall in 24 hours from the centerline of West 41st Avenue, or to the greatest extent practical. Provide minimum soil volume for new street trees as per the Engineering Design Manual. These improvements generally include placement of trees, structural soil or soil cell, catch basin and perforated pipe sub-drain connected to the sewer system.

Note to Applicant: The City will provide a geometric design for these street improvements.

(d) Provision of improvements at the intersection of Willow Street and 41st Avenue including:

(i) Installation of left turn bays and left turn arrows on 41st Avenue.

(ii) Upgrades to the existing traffic signal including accommodating the geometric changes and associated enabling works to modify or relocate existing infrastructure.

(iii) New pad-mounted service cabinet/kiosk on Willow Street.

(iv) Entire intersection lighting upgrade to current City standards and IESNA recommendations.

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

(f) Provision of bus stop amenities adjacent to the site on West 41st Avenue (stop# 50133) including all associated passenger facilities (shelter, seating, litter can,

advertising panels, foundations, drainage, electrical connection, etc.) at applicant's cost at a location to be determined by Engineering Services.

Note to Applicant: Bus shelters shall be placed in such a way as to maintain accessibility for bus boarding and alighting. Refer to the following standards:

(i) Typical bus shelter dimensions are approximately 4.3 m x 2.2 m.

(ii) Bus shelters shall be a minimum of 1.8 m from the curb.

(iii) Bus shelters shall be a maximum of 9.0 m from the bus ID pole.

(iv) There shall be a minimum of 3.0 m width direct clear path from the bus ID pole to the sidewalk to allow for ramp deployment and access to the front doors of the bus.

(v) No conflict with underground utilities.

(g) 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.

(h) Provision to rebuild the east-west laneway using permeable pavement structure to capture and retain 48 mm of rainfall in 24 hours. Permeable pavement structure will be applied from edge to edge for the entire length of the laneway fronting the property. Permeable pavement structure may include permeable pavement material, rock reservoir/subbase, storage and underdrain, etc. Relocation of existing catch basins or installation of new catch basins may be required. The proposed permeable laneway pavement structure should provide equal performance and design life as the City "Higher-Zoned Laneway" pavement structure.

Note to Applicant: The City currently does not have specifications for permeable pavement design. Industry standards are provided below for reference purpose only:

(i) Permeable pavements with interlocking concrete pavements – Design specifications by ICPI.

(ii) Permeable pavements with porous asphalt – NAPA: Design, Construction and Maintenance design guide for Porous asphalt; FHWA: Tech Brief for Porous asphalt.

(i) Provision of new standard concrete lane crossing, new lane returns and lane

ramps (on both sides of the lane) at the lane crossing on Willow Street.

(j) 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.

(k) Provision for the installation of parking regulatory signage on streets adjacent to the site.

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

(a) Improvements at the intersection of Willow Street and West 41st Avenue per Condition 2.4 (d).

Note to Applicant: The benefiting area for these works are the properties, or portion of, east and west along West 41st Ave to mid-block from Willow Street and north-south along Willow Street to the lanes.

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

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

2.6 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.

Housing

2.7 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into a Housing Agreement and Section 219 Covenant to secure all residential units as secured rental housing units, including at least 20 per cent of the residential floor area that is counted in the calculation of the dwelling unit area per the CD-1 By-law secured as moderate income rental housing (MIRH) units subject to the conditions set out below for such units and in accordance with the requirements set out in the Moderate Income Rental Housing Pilot Program, for the longer of 60 years or the life of the building, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability

and the Director of Legal Services may require.

The applicant has advised that it is not electing to seek a waiver of the Development Cost Levies pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law No. 9755 (the "DCL By-law") and the agreement or agreements will include but not be limited to the following terms and conditions:

(a) A no separate sales covenant;

(b) A no stratification covenant;

(c) A provision that none of such units will be rented for less than one month at a time;

(d) All rental units will be secured as rental for a term equal to the longer of 60 years and the life of the building;

(e) That the average initial starting monthly rents for the MIRH units, which comprise at least 20% of the residential floor area that is counted in the calculation of the floor space ratio, will be at or below the following rents, subject to the annual maximum adjustment permitted under BC Residential Tenancy Act from 2017, being the base year for when such rents were established, and the year in which the first occupancy permit is issued for the development, as set out in section 2.1 of the Moderate Income Rental Housing Pilot Program (MIRHPP) Rezoning Policy:

Unit Type	Average Initial Rents (2017 rates prior to permitted adjustment)
Studio	$950
1-bed	$1200
2-bed	$1600
3-bed	$2000

and that a rent roll indicating the agreed maximum initial monthly rents for each of the MIRH units will be required when the Housing Agreement is entered into and prior to Development Permit, Building Permit, and Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design or Sustainability and the Director of Legal Services;

(f) That rent increases for the MIRH units after initial occupancy will be capped at the Residential Tenancy Act maximum annual allowable increase, as published by the Province of British Columbia, regardless of a change in occupancy;

(g) The applicant will verify eligibility of new tenants for the MIRH units, based on the following:

(i) For new tenants, annual household income cannot exceed 4 times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and

(ii) There should be at least one occupant per bedroom in the unit.

(h) The applicant will verify the ongoing eligibility of existing tenants in the MIRH units every five (5) years after initial occupancy:

(i) For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and

(ii) There should be at least one occupant per bedroom in the unit.

(i) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the MIRH units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the MIRH units, and a summary of the results of eligibility testing for these units; and

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

Note to Applicant: Development Cost Levies may be waived if the project meets eligibility requirements pursuant to Section 3.1A of the Vancouver Development Cost Levy By-law No. 9755. If the applicant elects to seek a waiver in accordance with the foregoing, the applicant will enter into a modification or replacement to the Housing Agreement ahead of development permit issuance to address the requirements of the Vancouver Development Cost Levy By-law, on such terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require in their sole discretion. If the applicant requests a DCL waiver, further staff review will be required of a revised pro forma. If the revised pro forma results in an additional land lift being generated such that a CAC is payable, or additional or deeper levels of affordability can be provided, the application may be required to return to Council through a subsequent Public Hearing.

Sustainability

2.8 Enter into such agreements as the General Manager of Planning, Urban Design & Sustainability and the Director of Legal Services determine are necessary that require the owner to report energy use data, on an aggregated basis, for the building as a whole and for certain common areas and building systems. Such agreement or agreements will also provide for the hiring of a qualified service provider to assist the owner for a minimum of three years in collecting and submitting energy use data to the City.

Public Art

2.9 Execute an agreement satisfactory to the Director of Legal Services and the General Manager of Arts, Culture and Community Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Head of the Public Art Program (a checklist will be provided).

Note to Applicant: contact publicart@vancouver.ca to discuss your application.

Environmental Contamination

2.10 As applicable:

(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 571B of the Vancouver Charter; and

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

Agreements

Note to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as registerable charges pursuant to the Land Title Act.

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

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

* * * * *

809 West 41st Avenue
DRAFT CONSEQUENTIAL AMENDMENTS

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 11879

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

“809 West 41st Avenue	[CD-1 #]	[By-law #]	C-2”

* * * * *

809 West 41st Avenue
ADDITIONAL INFORMATION

1. Urban Design Panel

The Urban Design Panel (UDP) reviewed this rezoning application package on July 7, 2021. A summary of the decision is provided below. The full meeting minutes can be found online: https://vancouver.ca/files/cov/udp-minutes-07072021.pdf

EVALUATION: Support with Recommendations (5-1)

Introduction: Rezoning Planner, Scott Erdman provided an overview of the policy for this site. Development Planner, Omar Aljebouri then gave an overview of the urban design considerations.

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

1. The height, density and massing.
2. The quality of amenities.
3. Any preliminary advice for consideration at the Development Permit stage (e.g. architectural expression; sustainability approach).

The Applicant then gave an overview of their rezoning rationale for the proposal.

The Staff and Applicant teams then took questions from the Panel.

Panel's Consensus:

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

1. Design development of the canopies.
2. Design development to make the level seven outdoor an accessible amenity and consider adding amenity at level six.
3. Consider providing cooling and further consideration of passive design and resiliency strategies.

2. Public Consultation Summary

List of Engagement Events, Notification, and Responses

	Date	**Results**
Event		
Virtual open house (City-led)	April 19 – May 9, 2021	152 participants (aware)* • 59 informed • 7 engaged

Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	April 15, 2021	1,622 notices mailed
Public Responses		
Online questions	April 19 – May 9, 2021	1 submittal
Online comment forms • Shape Your City platform	March, 2021 – January, 2022	15 submittals
Overall position • support • opposed • mixed	March, 2021 – January, 2022	15 submittals • 6 responses • 6 responses • 3 responses
Other input	March, 2021 – January, 2022	0 submittal
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	March, 2021 – January, 2022	502 participants (aware)* • 186 informed • 16 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 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.

Map of Notification Area

Analysis of All Comments Received

Below is an analysis of all public feedback by topic and ordered by frequency.

Generally, comments of support fell within the following areas:

- **Building height, massing, density and context:** The building height, massing, density and context is appropriate, the building typology compliments the neighbouring area.
- **Rental housing:** More options for rental housing is greatly needed.
- **Building design:** The building is well designed with an interesting pattern to extenuate the exterior façade, which makes the building visually appealing. The rooftop amenity space is well designed and thought out.
- **Moderate income housing:** Having 20% of the housing units set aside for moderate income earners is a thoughtful addition.

Generally, comments of concern fell within the following areas:

- **Building height, massing, density and context:** The proposed building is not appropriate for the surrounding area as it does not compliment the surrounding single family home/townhome typology as there is no proper transition between the two.
- **Parking:** Not enough parking proposed which will result in further exacerbation of limited street parking along Willow Street and other adjacent side streets.

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

Neutral comments/suggestions/recommendations:

- Considering the location of this project being at a prominent arterial road, more density and height should be given to this site.
- Larger street trees and other various vegetation should be planted around or at the site.

* * * * *

809 West 41st Avenue
FORM OF DEVELOPMENT

South Elevation (41st Avenue)

West Elevation

North Elevation (Lane)

East Elevation (Willow Street)

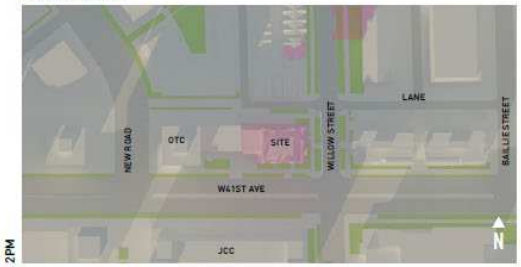
Landscape Plan

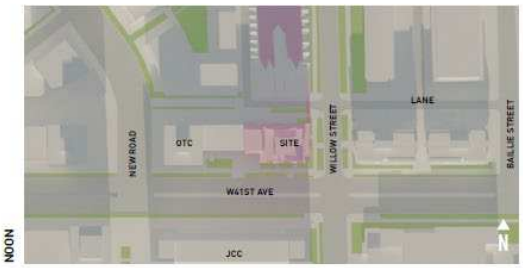
Shadow Studies

SHADOW STUDY WITH PROPOSED OAKRIDGE TRANSIT CENTRE & JEWISH COMMUNITY CENTRE:

WINTER SOLSTICE

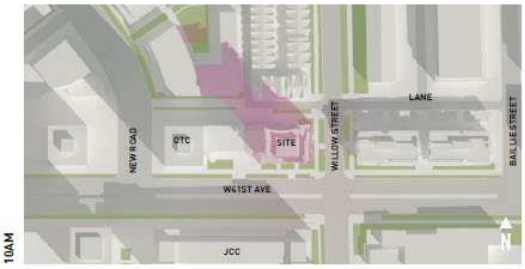
WINTER SOLSTICE





NEW SHADOW ADDED BY PROPOSAL

EQUINOX



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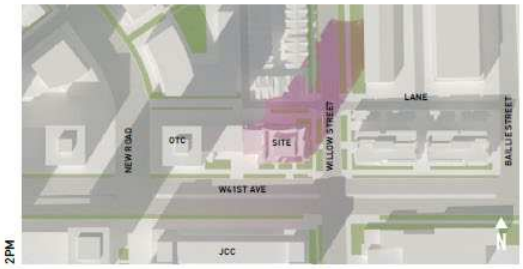

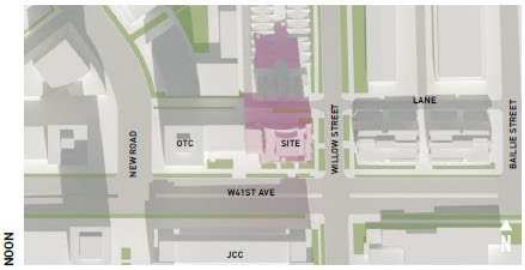

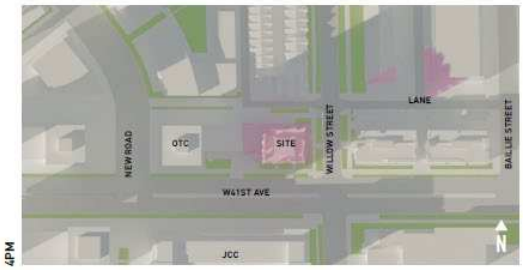

Perspective as Viewed from Southeast

Perspective as Viewed from Northeast

Perspective as Viewed from Southwest

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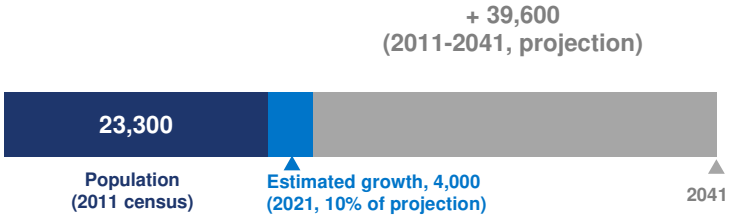
809 West 41st Avenue
PUBLIC BENEFITS IMPLEMENTATION TRACKING
CAMBIE CORRIDOR PLAN (2018) – North of 57th Avenue

Updated mid-year 2021

POPULATION GROWTH[a]

The Cambie Corridor has grown by approximately **4,000** people since the 2011 census. The plan projects an additional growth of approximately **35,600** people by 2041.

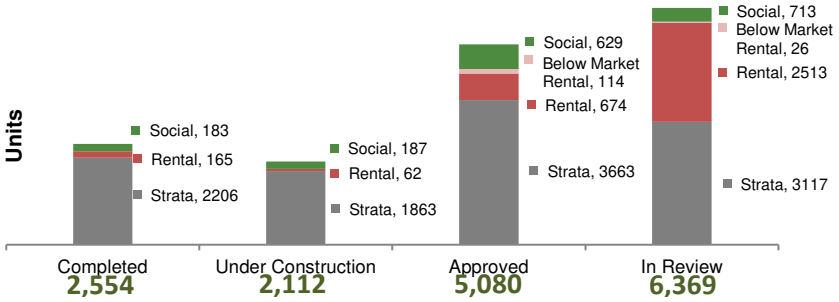


DEVELOPMENT ACTIVITY (UNITS)[b]

Recent rezoning approvals:

- 3353 Cambie Street
- 5412 Cambie Street
- 485 W 28th Avenue
- 325-341 West 42nd Avenue
- 5910-5998 Cambie Street
- 4118-4138 Cambie Street
- 5740 Cambie Street
- 441-475 West 42nd Avenue

**This list does not include any townhouse developments under the RM-8A/AN Districts Schedule*



**The number of secured market rental has been adjusted to correct an error in the 2020 year-end tracker.*

PUBLIC BENEFITS ACHIEVED AND IN PROGRESS (North of 57th Avenue)

✓ On track to achieving targets → Some progress toward targets, more work required ○ Targets require attention

TARGETS See Chapter 13 of the Cambie Corridor Plan for more details	Completed	Construction	Planning / Design	Progress
HOUSING • ~ 4,700 additional secured market rental units • ~ 2,250 social housing units • ~ 400 additional below-market units (Gross numbers of units reported)	• 183 social housing units (408-488 West King Edward Avenue, 4899 Heather Street, 5688 Ash Street, 5077 and 5095 Heather Street (TMH)) • 165 secured market rental units (210-268 West King Edward Avenue, 408-488 West King Edward Avenue, 452-486 West 41st Avenue, 4867 Cambie Street)	• 187 social housing units (Oakridge Centre) • 62 secured market rental units (431-455 West King Edward Avenue, 6137 Cambie Street)		**16%** of social housing target achieved **5%** of secured rental target achieved ○
CHILDCARE • ~ 1,080 spaces for all age groups	• Restoration of 8 Oaks Acorn childcare outdoor area	• 198 childcare spaces (Oakridge Civic Centre, Eric Hamber Secondary School)		**18%** of childcare spaces target achieved ✓
TRANSPORTATION / PUBLIC REALM • Upgrade/expand walking and cycling networks • Complete Street design on Cambie St. and major streets • "Car-light" greenway on Heather Street.	• 45th Ave Bikeway improvements • Interim Plazas (17th and Cambie; 18th and Cambie) • Cambie Complete Streets (West 33rd to West 35th Avenues; McGuigan to West 35th Avenue) • 29th and Cambie Plaza + Public Art	• King Edward Avenue Complete Street (Yukon to Columbia Streets) • Complete Street (West 35th to West 37th Avenues) • Oak Street and 27th Avenue pedestrian and bike signal • Ontario and 16th Curb Bulge Bioretention	• 54th Avenue Curb Bulge Bioretention Upgrade • Cambie and 31st Avenue Street Closure	→

TARGETS See Chapter 13 of the Cambie Corridor Plan for more details	Completed	Construction	Planning / Design	Progress
CULTURE • 5 new artist studios	• Public art from rezonings (29th Avenue and Cambie Street Plaza)	• Cultural space, performance theatre, outdoor performance space at Oakridge Civic Centre		✓
CIVIC / COMMUNITY • Oakridge Civic Centre • Oakridge Library expansion • Additional library branch • Hillcrest Community Centre (fitness centre expansion) • Firehall #23 • Community Policing Centre		• Oakridge Civic Centre (129-space childcare, library)	• VanDusen & Blodel Strategic Plan	✓
HERITAGE • 5% allocation from cash community amenity contributions in Cambie	• James Residence (587 King Edward Avenue) • Milton Wong Residence (5010 Cambie Street) • 5% allocation from cash CACs			✓
SOCIAL FACILITIES • Renewal of Oakridge Seniors Centre • Youth Hub • Non-profit organization centre • Additional Seniors' Centre		• Renewal and expansion of Seniors Centre and Youth Centre (Oakridge Civic Centre)		→
PARKS • New parks on large sites • Queen Elizabeth Master Plan and Phase 1 upgrades • 6 plazas and enhanced open spaces • Neighbourhood park improvements	• Upgrades to Riley Park and Hillcrest Park • Lillian To Park (17th Avenue and Yukon Street) • Playground renewal at Douglas Park • Queen Elizabeth Park tennis court resurfacing	• Oakridge Park	• Alberta Street Blue-Green System and Columbia Park Renewal • Queen Elizabeth Master Plan • Oak Park Schematic Design • Little Mountain Plaza and Wedge Park • Heather Park off-leash dog area	→

EXPLANATORY NOTES

The Public Benefits Implementation Dashboard assists in monitoring progress toward the delivery of public benefits anticipated from the community plans. Data in this tracker reflects activity within the plan boundaries (and significant public benefits adjacent to the plan area) since Plan approval.

[a] **Population Growth:** Growth is calculated by taking the difference between the latest census year and the base population and adding an estimate based on floor area completed between the latest census and the present quarter.

[b] **Development Activity:** The Development Activity Chart includes Building Permits, Development Permits, and rezoning applications:

- Completed: Occupancy Permit issuance
- Under Construction: Building Permit issuance
- Approved: Approved Rezoning Applications and Development Permits submitted without a rezoning
- In review: In Review Rezoning Applications and Development Permits submitted without a rezoning

[c] **Public Benefits Achieved:** Public benefits in planning/design typically include large City- or partner-led projects or master plans that have begun a public process or have made significant progress in planning or design stages, but have not yet moved to construction.

Planning/Design: Public benefits in planning/design typically include City-or partner-led projects that have begun a public process or have made progress in planning stages, but not yet moved to construction. *Housing units in developer-initiated applications are not included in the planning/design column and not counted towards public benefits achieved prior to construction as numbers and status may change throughout the permitting process.*

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809 West 41st Avenue
PUBLIC BENEFITS SUMMARY

Project Summary

An 18-storey mixed-use building with commercial space and 131 secured market residential units, with no less than 20% of the residential floor area (approximately 21 units) to be secured as Moderate Income Rental Housing (MIRH) Units.

Public Benefit Summary:

The proposal would provide 131 secured-rental housing units with a Housing Agreement for the longer of the life of the building and 60 years, with at least 20% of the residential floor area secured for MIRH units. This project would also generate DCLs[3] and a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	CD-1 (34)	Amend CD-1
FSR (site area = 1,560.2 sq. m / 16,788 sq. ft.)	n/a	7.11
Floor Area	n/a	11,093.0 sq. m (119,403 sq. ft.)
Land Use	Office	Mixed Use

Summary of development contributions expected under proposed zoning	
City-wide DCL[1]	$2,159,758
Utilities DCL[1]	$1,178,896
Public Art[2]	$236,392
TOTAL	**$3,575,046**

Other Benefits (non-quantified components):

- 131 secured market rental units
- 20% of residential floor area (approximately 21 units) secured as Moderate Income Rental Housing units

[1] Based on rates in effect as of September 30, 2021. Rates are subject to future adjustment by Council including annual inflationary adjustments. See the City's DCL Bulletin for details.

[2] Based on 2016 rates, subject to adjustments.

[3] DCLs may be waived in accordance with the *Vancouver Development Cost Levy By-law*, if the project meets eligibility requirements for the DCL waiver for for-profit affordable rental housing ahead of development permit issuance.

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809 West 41st Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Property Information

Address	Property Identifier (PID)	Legal Description
809 West 41st Avenue	010-075-909	Lot A Block 867 District Lot 526 Plan 8454

Applicant Information

Architect	Arno Matis Architecture
Property Owner	809 Projects Holdings Ltd.

Development Statistics

	Permitted Under Existing Zoning	Proposed Development
Zoning	CD-1	Amend CD-1
Site Area	1,560.2 sq. m (16,788 sq. ft.)	1,560.2 sq. m (16,788 sq. ft.)
Uses	Commercial	Mixed Use
Floor Area	n/a	11,093.0 sq. m (119,403 sq. ft.)
Floor Space Ratio (FSR)	n/a	7.11 FSR
Height	n/a	Top of parapet: 60.6 m (199 ft.) Top of amenity room parapet: 64.3 m (211 ft.) Top of mechanical rooms and appurtenances, elevator over-run: 71.3 m (234 ft.)
Unit Mix	n/a	**Total units: 131** Studio units: 0 (0%) One-bedroom units: 70 (53%) Two-bedroom units: 43 (33%) Three-bedroom units: 18 (14%)
Parking, Loading and Bicycle Spaces	as per Parking By-law	43 vehicle parking spaces 374 Class A bicycle spaces 8 Class B bicycle spaces 1 Class A loading spaces 2 Class B loading space To be confirmed at development permit stage
Natural Assets	2 on-site trees 7 street trees	Retained: 1 on-site tree, 2 street trees New: 9 on-site trees, 14 off-site trees, 15 trees in amenity areas To be confirmed at development permit stage

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