



March 14, 2024

Scott Cressey
Cressey Development Group
555 West 8th Ave, Suite 200
Vancouver, BC
V5Z 1C6
/via email/

RE: 4683 Arbutus Street – Development Permit Pre-application

Dear Mr. Scott Cressey

I am writing in response to your two letters dated December 14, 2022 addressed to the City of Vancouver regarding the proposed development at 4683 Arbutus Street (the "Site"). The Site is owned by Cressy (Quilchena) Development LLP and is currently developed with a 2-storey rental residential development, Quilchena Gardens (herein referenced as "Cressey").

Background:

To provide context, staff undertook an expedited, cursory review at your request in December 2021. It is important to note that Cressy did not submit a formal enquiry and did not provide customary materials typically considered and analyzed under standard reviews. Nevertheless, staff provided some preliminary feedback on the potential options and policies relating to the redevelopment of the Site as a courtesy to Cressy. Constrained by insufficient information, background and detail, staff's feedback focused on rezoning policies that **may apply** to the Site and possible processing options.

Subsequently, Cressy began the Development Permit pre-application process for the site and staff commenced their normal review processes. During this early phase of analysis, staff discovered an unusual complication with the existing zoning for the Site (CD-1(26)) from 1963. This 60 year old by-law references an RM-1 District Schedule that was amended several times before it was repealed in 1984, almost four decades ago. In 2005, a new RM – 1 District Schedule was enacted which had no bearing or relationship to Quilchena Gardens. That "RM-1" District schedule, now almost 20 years old, applied to parts of the Kensington-Cedar Cottage area.

Cressy's current DP pre-enquiry:

Based on staff review and discussions with our legal counsel, it is our position that the CD-1 (26) By-law governs the Site. However, the CD-1 Bylaw references a RM-1 District Schedule that no longer exists. Therefore those regulations cannot be considered enforceable. This conclusion is predominantly based on the ambiguity of the language that purports to incorporate the RM-1 regulations. The CD-1 (26) zone cross-references the old RM-1 District Schedule or zone with this language:

“Development of the apartment areas to be generally to the regulations of the (RM-1) District Schedule of the Zoning and Development By-law”.

The phrasing is awkward. The phrase neither specifies which “regulations” are to be incorporated, nor does it indicate what “generally” means. Coupled with this, the incorporating section does not state that it is the RM-1 District Schedule “as amended from time to time”, or give any indication of how amendments to the RM-1 District Schedule are to affect the Site. For these reasons, it is our position we would not consider it appropriate to consider the RM-1 District Schedule, as it exists now, or as it existed prior to 1984, to govern the Site.

Notwithstanding, Staff recognize the CD-1 (26) Bylaw provides guidance and regulations relating to the development of the Site. In this regard, the CD-1(26) By-law, among other things, clearly allows for a two-storey residential development. The CD-1(26) By-law does not have a specific floor space ratio (FSR) for the Site. We also note, the Site is governed by the Rental Housing Stock Official Development Plan (RHS ODP), and as such, any application for the redevelopment of the site will must comply with the RHS ODP.

Staff are prepared to process a development permit for a two-storey residential town house project. In addition to the requirements of the RHS ODP, as part of our normal processing of a similar project, staff will rely on the regulations of the CD-1(26) By-law, together with other City-wide policies, guidelines and best urban design practices to inform our review of the application. These policies and guidelines include but are not limited to the following:

- Guidelines for High Density Housing for Families with Children ([here](#))
- Accessibility Guidelines ([here](#))
- Access to daylight, views and ventilation ([here](#))
- Urban Forestry strategy ([here](#))
- Protection of Trees bylaw ([here](#))

In addition to urban design direction, staff will also be relying on our standard review process including comments from Engineering, Landscape and Housing staff, among others.

Next Steps:

In terms of next steps and process, we recommend meeting to discuss any questions you might have to advance your DP application as soon as possible. Subject to the positive outcome of that meeting, we recommend a follow up pre-application submittal meeting to review staff’s initial feedback on the application, and to arrange for the intake of a formal DP application. Once a formal DP application is submitted, staff will undertake our normal reviews and process the DP in accordance with the City’s standard practices. This would include neighborhood and tenant notification, Tenant Relocation Plan requirements, Urban Design Panel and approval of a form of development by Council (as required for sites zones CD-1).

I trust the contents of this letter are clear. We look forward to working with you through the application review process. Should you have any further questions, please do not hesitate to contact me.

Yours truly,

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