



REFERRAL REPORT

Report Date: September 24, 2024
Contact: Daniel Feeney
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RTS No.: 16560
VanRIMS No.: 08-2000-20
Meeting Date: October 8, 2024

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 2156-2174 West 14th Avenue

RECOMMENDATION TO REFER

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

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

RECOMMENDATION FOR PUBLIC HEARING

A. THAT the application by HAVN Developments Ltd. on behalf of:

- David Milan Jakovac, the registered owner of 2156 West 14th Avenue [*PID 013-886-584; Lot 5 Block 444 District Lot 526 Plan 2300*],
- Donald McLeod Anderson and Barbel Lieselotte Henning, the registered owners of 2166 and 2168 West 14th Avenue [*PID 013-886-568; Lot 4 Block 444 District Lot 526 Plan 2300*],
- Mei Zhen Li, the registered owner of 2172 and 2174 West 14th Avenue [*PID 013-886-550; Lot 3 Block 444 District Lot 526 Plan 2300*],

to rezone the lands from RT-7 (Residential) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.6 to 5.8 and the building height from 7.7 m (25 ft.) to 56 m (184 ft.) with additional height for the rooftop amenity to permit a 17-storey mixed-use building containing 170

rental units, of which 20% of the residential floor area will be secured as below-market rental units, and ground-floor commercial be approved in principle;

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

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Musson Cattell Mackey Partnership, received October 13, 2023, with revisions received January 12, 2024, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services, and the General Manager of Planning, Urban Design and Sustainability.
- C. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the CD-1, generally as set out in Appendix C, be approved.
- D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1, generally as set out in Appendix C;

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

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

REPORT SUMMARY

This report evaluates an application to rezone the site at 2156-2172 West 14th Avenue from RT-7 (Residential) District to CD-1 (Comprehensive Development) District. The proposal is to permit a 17-storey mixed-use building for residential and commercial, with an additional partial storey for a rooftop amenity space. The proposal consists of 170 rental units, of which 20% of the residential floor area will be secured as below-market rental units under the *Broadway Plan* (Plan). The proposal also includes a ground-floor commercial unit fronting 14th Avenue.

Staff have assessed the application and conclude that it meets the intent of the Plan. 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 conditions contained in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Vancouver Plan (2022)
- Broadway Plan (2022)
- Housing Needs Report (2022)
- Housing Vancouver Strategy (2017)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992, last amended 2022)
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)
- Community Amenity Contributions Policy for Rezonings (1999, last amended 2023)
- Tenant Relocation Plan Policy (2019)
- Rental Incentives Bulletin (2019)
- Urban Forest Strategy (2016, last amended 2018)
- Public Art Policy for Rezoned Developments (2014)
- Green Buildings Policy for Rezonings (2010, last amended 2023)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183

REPORT

Background/Context

1. Site and Context

The subject site is comprised of three mid-block parcels located on the south side of West 14th Avenue between Yew and Arbutus Streets (see Figure 1). The site area is approximately 1,743 sq. m (18,758 sq. ft.) and is zoned RT-7 (Residential). The surrounding area contains a mix of uses including residential and commercial. The site is currently developed with one single-detached house and two duplexes. At the time of application, three of the five units were tenanted with residential tenants. The *Tenant Relocation and Protection Policy* (TRPP) applies.

The neighbourhood is undergoing significant change with future redevelopment of the Plan, as well as with the extension of Skytrain. The future Broadway Subway Arbutus Station is five blocks to the north.

Figure 1: Surrounding Zoning and Context

Neighbourhood Amenities – The following amenities are within close proximity:

- *Parks* – Arbutus Greenway Park (170 m), Rosemary Brown Park (250 m), Connaught Park (320 m), and Granville Park (650 m).
- *Community and Cultural Spaces* – Kitsilano War Memorial Community Centre and Ice Rink (450 m), Kitsilano Neighbourhood House (770 m) and Kitsilano Library (1.5 km).
- *Childcare* – York House Little School (260 m), Madrona School Society (400 m), Lord Tennyson Out of School Care (500 m), and West Point Grey Under Three Day Care (760 m).

Local School Capacity – The site is located within the catchment area of Carnarvon Elementary School and Kitsilano Secondary School. According to the Vancouver School Board (VSB)'s 2020 *Long Range Facilities Plan*, Carnarvon Elementary is currently operating at 84% capacity and by 2031 is forecasted to be operating at 64% capacity. Kitsilano Secondary is operating at 103% with an expected capacity of 96% by 2031. The VSB report notes that overall enrolment trends for the wider area are changing. The VSB continues to explore options to reduce pressure on schools in this area, monitor development, and work with City staff to help plan for future growth.

2. Policy Context

Vancouver Plan – The *Vancouver Plan* was approved by Council on July 22, 2022, and is a land use strategy to guide long-term growth of the City over the next 30 years. The *Vancouver Plan* serves as a framework with further implementation planning work to follow over the coming years. The site is located within the *Broadway Plan* area which is generally in alignment with the *Vancouver Plan*.

Broadway Plan – The Plan is a comprehensive community plan for the area within Vine Street to Clark Drive and 1st Avenue to 16th Avenue. The 30-year plan focuses on opportunities to integrate new housing, jobs, and amenities around the new Broadway Subway. The site is located within the Kitsilano South - Area B (KKSB) sub-area 8.11 of the Plan. The Plan allows for consideration of 18-storey rental housing towers up to 5.5 FSR, with a minimum of 20% of the residential floor area secured at below-market rents. Minor increases in height and density can be considered for delivery of ground-level commercial or private childcare.

Housing Needs Report – On April 27, 2022, Council received a *Housing Needs Report* (HNR). Further to the BC Provincial government's requirement, Council must consider their most recent HNR when developing a development plan, or when amending a development plan in relation to Council's housing policies respecting affordable housing, rental housing, and special needs housing. This zoning amendment would facilitate the delivery of rental housing including a component of below-market rental units and address the data and findings within the HNR.

Housing Vancouver Strategy – *Housing Vancouver* focuses on the right supply of new homes, including rental, to meet a continuum of housing types. Overall, 72,000 new homes are targeted for the 10-year period from 2018-2027, including 12,000 social, supportive and non-profit co-operative units, and 20,000 purpose-built rental units. Targets and actions seek to retain a diversity of incomes and households in the city. If approved, this rezoning will contribute towards the targets for market and below-market rental housing units.

Transit-Oriented Areas (TOA) Designation By-law and Transit-Oriented Areas (TOA) Rezoning Policy – To align with provincial legislation, Council adopted a by-law and rezoning policy that establishes heights and densities for developments within Transit-Oriented Areas (TOAs). This site is within Tier 3 of the TOA legislation. As the Plan allows more height and density, the application is being assessed under the Broadway Plan policies.

Strategic Analysis

1. Proposal

The proposal is for a 17-storey residential building with 170 rental units of which 20% of the residential floor area for is below-market rents and ground-floor commercial (Figure 2). The proposed height is 56 m (184 ft.) with additional height for the portion with rooftop amenity. A total floor area of 10,109 sq. m (108,812 sq. ft.) and a floor space ratio (FSR) of 5.8 are proposed. Two levels of underground parking are accessed from the lane. Revisions to the application were provided to optimize the ground-floor commercial space and to refine the building's architecture at the podium level.

Figure 2: Proposed Building Looking Southeast

2. Land Use

The proposed residential and commercial uses are consistent with the Plan.

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

In assessing urban design performance, staff considered the built form expectations of the Plan (Kitsilano South – Area B).

Form of Development – This application is consistent with the Plan for a 17-storey tower on podium (see Figure 2). The proposal generally meets the Plan’s expectations for residential rental towers in Kitsilano South. Staff have prepared conditions to improve neighbourhood fit by relocating the tower and further refining the podium in relation to the neighbouring properties. Relocating the tower creates a 2.7 m (12 ft.) shoulder setback to the neighbouring property, and refinements to the podium will help minimize the height and scale at the street level.

Height – The Plan anticipates 18 storeys at this location. The proposed 17 storeys are within the permitted maximum. The CD-1 By-law includes additional height to accommodate a partial-storey rooftop amenity.

Density – The Plan provides a density of up to 5.5 FSR at this location with additional density for the delivery of ground-floor commercial. With at-grade commercial proposed, plus residential, the application complies with the flexibility outlined in the Plan for additional density, with an FSR of 5.8.

Public Realm and Interface – The Plan envisions landscape setbacks and ground-oriented units with fine grain residential character and private patio spaces. The proposal includes a grand staircase in response to grade changes along the frontage and lane. Staff have included a condition to improve the frontage for better contextual fit and enhance the transition from public to private realm.

Private Amenity Space – The development offers on-site common indoor and outdoor amenities for the residents at grade, within and atop the podium and tower.

Urban Design Panel – A review by the Urban Design Panel was not required as the proposal is consistent with the expectations of the Plan. Staff have concluded that the proposal complies with the form of development, height and density for this site as outlined in the Plan.

4. Housing

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add 170 rental units, with at least 20% of the residential floor area secured as below-market rental units, to the City's inventory of rental housing. This proposal would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 3).

Figure 3: Progress Towards 10 Year Housing Vancouver Targets for Market Rental Housing as of June 30, 2024

Housing Type	Category	10-Year Targets ¹	Units Approved Towards Targets ²
Purpose-Built Market Rental Units ²	Market Rental	30,000	3,087 (10%)
	Developer-Owned Below Market Rental	5,500	353 (6%)
	Total	35,500	3,440 (9%)

1. New 10-year targets were adopted in 2024, with tracking starting from January 1, 2024.

2. Previous targets established in 2017 included 20,000 purpose-built rental, market and below-market combined, with tracking starting in 2017. As of December 31, 2023, 87% of the previous targets had been reached.

Vacancy Rates – Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2023, the purpose-built apartment vacancy rate was 0.9% in Vancouver. The vacancy rate (based on the Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the Kitsilano area, which this site is located, is 0.8%. A vacancy rate of between 3% and 5% is considered to represent a balanced market.

Housing Mix – The Plan requires a minimum of 35% family units, including a minimum of 10% of units with three or more bedrooms and 25% of units with two bedrooms. This application proposes 35.8% family units in a mix of 27% two-bedroom and 8.8% three-bedroom units, thereby not meeting this policy.

A condition of approval and a provision in the CD-1 By-law has been included to ensure the *Plan* policy requirement for a minimum of 25% two-bedroom units and minimum of 10% three-bedroom units is met separately in both the market rental and below-market portions. All family units must be designed in accordance with the *High-Density Housing for Families with Children Guidelines*.

Average Rents and Income Thresholds – Figure 4 shows starting rents for below-market rental units for 2023. Average market rents and incomes served for newer rental buildings on the westside are shown in the middle two columns, and costs for home ownership are shown in the far right columns. Figure 4 demonstrates that below-market rental housing and market rental housing provide options that are more affordable than home ownership. If approved, starting rents for the below-market units will be 20% less the city-wide average market rents at the time of initial occupancy. On unit turnover, rents in the below-market units may be reindexed to 20% less the city-wide average market rent by unit type current at the time of unit turnover.

Figure 4: Below-Market Unit Average Rents, Market Rents in Newer Buildings on the Westside and Household Incomes Served

	Below-Market Rental Units		Newer Rental Buildings - Westside		Monthly Costs of Ownership for Median-Priced Apartment – Westside (with 20% down payment)		
	Average Starting Rents (2024) ¹	Average Household Income Served	Average Market Rent (CMHC, 2023) ²	Average Household Income Served	Monthly Costs of Ownership (BC Assessment 2021) ³	Average Household Income Served	Down Payment at 20%
Studio	\$1,223	\$48,928	\$1,902	\$76,080	\$2,837	\$113,480	\$106,000
1-bed	\$1,429	\$57,152	\$2,306	\$92,240	\$3,473	\$138,920	\$132,000
2-bed	\$1,969	\$78,752	\$3,372	\$134,880	\$5,193	\$207,720	\$198,400
3-bed	\$2,395	\$95,808	\$4,434	\$177,360	\$7,982	\$319,280	\$311,890

1. Starting rents shown are calculated based on a 20 per cent discount to city-wide average market rents as published by CMHC in the fall 2023 Rental Market Report.
2. Data from October 2023 CMHC Rental Market Survey for buildings completed in 2014 or later on the Westside of Vancouver. Based on the assumptions: Median of all BC Assessment strata apartment sales prices in Vancouver Eastside/Westside in 2021 by unit type, 20% down-payment, 5% mortgage rate (in-line with qualifying rate), 25-year amortization, \$250-\$350 monthly strata fees and monthly property taxes at \$2.92 per \$1,000 of assessed value (2021 assessments and property tax rate).

To qualify for a below-market rental unit, a household's gross annual income cannot exceed the maximum income requirements for the unit type, (see Figure 4) with at least one household member per bedroom. Policy 12.2.17 of the Plan specifies that below-market rental units will be subject to tenant income testing and monitoring requirements, as described in the *Rental Incentive Programs Bulletin*. All residents will have equal access to common indoor and outdoor amenities and facilities shown in Appendix D.

Security of Tenure – Purpose-built rental housing offers permanent rental housing and security of tenure, unlike rented condominiums or basement suites in the secondary rental market. All 170 units in the proposal would be secured through a Housing Agreement and Section 219 Covenant for the longer of 60 years or the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units.

The Housing Agreement will secure not less than 20% of the residential floor area that is counted in the calculation of the floor space ratio for below-market units to be rented at rates targeted to meet the affordability needs of moderate income households. Between tenancies, the rent for a below-market rental unit will be re-indexed to the current CMHC average rent by unit type, applying the same discount rate as was secured at the time of occupancy permit issuance. Rent increases during each tenancy are capped at the Residential Tenancy Act annual allowable rental increase. Conditions related to securing the units are contained in Appendix B.

Existing Tenants – The rezoning site contains existing rental residential uses, including three units of secondary rental housing which are eligible under the City’s Tenant Relocation and Protection Policy (TRPP) for the Broadway Plan area. The applicant has provided a Tenant Relocation Plan (TRP) for eligible tenants which meets the requirements of the City’s TRPP for the Broadway Plan area. The TRP is summarized in Appendix F of this report. All residential tenancies are protected under the provincial Residential Tenancy Act.

5. Transportation and Parking

The site is well served by public transit, located within five blocks of the future Broadway Subway Arbutus Station as well as within one block of frequent bus service on Arbutus Street. The property is also within one block of Arbutus Greenway. Parking, loading, bicycle and passenger loading spaces are required to meet the Parking By-law at the time of development permit. Proposed parking reductions may be considered at the development permit stage with acceptable Transportation Demand Management (TDM) measures. Engineering conditions related to new signage, reconstruction of the lane, and new speed humps are included in Appendix B.

6. Environmental Sustainability and Natural Assets

Green Buildings –The *Green Buildings Policy for Rezoning*s requires that rezoning applications satisfy the green and resilient building conditions. The applicant submitted preliminary modelling analysis with strategies to meet energy and emissions targets in the Building By-law, a summary of the resilient building measures, and a commitment to fulfil energy system sub-metering and enhanced commissioning requirements throughout the project.

Natural Assets – The *Urban Forest Strategy* seeks to protect and strengthen Vancouver’s urban forest and tree canopy. The Protection of Trees By-law requires permission to remove trees that meet certain conditions to protect as many healthy, viable trees while still meeting the challenges of development and housing priorities. The application proposes retention of the four existing street trees along 14th Avenue. There are 15 on-site trees proposed for removal due to poor condition and conflict with the building footprint. Staff have prepared a condition to retain an onsite tree located along the front property line. One shared tree is also proposed for removal due to poor condition and conflict with the building footprint. Approximately 10 new on-site trees are proposed at the ground level.

A detailed tree review, and the final number of new trees will be determined through the development permit process. Landscaping is proposed within the amenity areas located above the podium and rooftop. See Appendix B for landscape conditions.

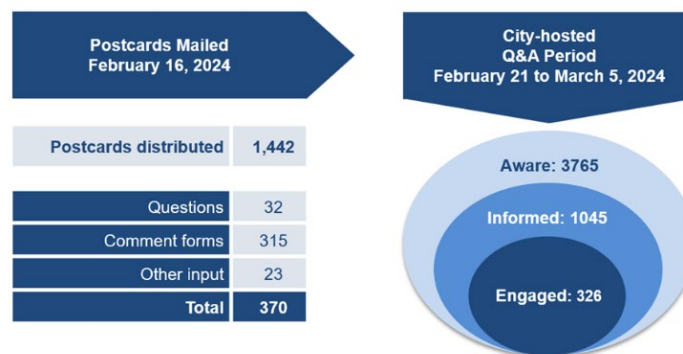
7. Public Input

Public Notification – A rezoning information sign was installed on the site on January 27, 2024. Approximately 1,442 notification postcards were distributed within the neighbouring area on or about February 16, 2024. Application information and an online comment form was provided on the Shape Your City (shapeyourcity.ca/) platform.

Question and Answer Period – A question and answer period/virtual open house was held from February 21, 2024 to March 5, 2024. Questions were submitted by the public and posted with a response over a two week period. A digital model was made available for online viewing. A virtual approach allowed people to access materials online and engage at different levels at a time and location of their choosing. Members of the public could submit questions, which staff actively monitored and responded to publicly.

Public Response and Comments – Public input is collected via online questions, comment forms, through email, and by phone. A total of 370 submissions were received.

Figure 5: Overview of Notification and Engagement



Generally, comments of support fell within the following areas:

- **Housing:** The proposed development would create more rental and affordable housing options.
- **Density:** The proposed density is supported here given the location of the development along a major transit route.
- **Location:** The building location is ideal, with access to transit hubs and bikeways.

Generally, comments of concern fell within the following areas:

- **Neighbourhood character, location and height:** The development detracts from the neighbourhood character, with a large building in the middle of a block of residential homes. Development in the neighbourhood should more gradual.

Further, the height of the proposal is too tall in a low and mid rise neighbourhood. A low or mid-rise building would be preferred. In terms of location, the proposed development is not well suited and would be better located on an arterial road.

- **Traffic and parking:** The development would negatively impact local traffic by increasing congestion and reducing safety. In addition, the proposed development does not provide enough parking and would worsen parking in the surrounding area.
- **Infrastructure and amenities:** The proposed density would overwhelm existing amenities and infrastructure. There is a lack of existing amenities and infrastructure to accommodate density.
- **Green space:** Concerns regarding removal of trees on site and along the boulevard.

Response to Public Comments

Neighbourhood character, location and height – The proposed height, density, uses and proportion of below-market units are consistent with the intent of the Plan for KKSB sub-area. Regarding massing and design, the proposal is consistent with the urban design expectations of the Plan. Staff have prepared conditions to improve neighbourhood fit by relocating the tower, reducing tower bulk and massing, and further refinements to the podium in relation to the neighbouring properties.

Traffic and parking – Residential parking as well as visitor, loading and accessible parking have been provided as required by the Parking By-law. The site is well-served with transportation options. Staff expect to see an overall reduction in vehicle trips on Arbutus Street with the completion of the Broadway Subway, as many of those will be replaced by transit over time. The Transportation Demand Management (TDM) Plan also proposes a variety of sustainable transportation strategies to reduce the demand for vehicle use. Transportation related conditions can be found in Appendix B.

Infrastructure and amenities – Engineering staff reviewed the proposal to determine whether local infrastructure upgrades are necessary. Staff have determined that no infrastructure upgrades are required as there is capacity within the local sanitary and storm systems. Future development proposals within the area will be subject to engineering review and infrastructure upgrades may be required at that time. Future amenities will be delivered through the Plan's Public Benefits Strategy, which is a 10-year capital strategy for delivering public amenities and infrastructure to address the renewal and growth needs of the Plan area. Public Benefit Strategy directions include but are not limited to; affordable housing, childcare, parks and open spaces, community and civic facilities.

Green Space – The proposal is required to provide a 3.7 m (12 ft.) above and below-grade setback along 14th Avenue. This setback shall provide adequate space and soil volume for the retention of the mature street trees along 14th Avenue. Approximately 10 new on-site trees are proposed at the ground level. A detailed tree review, and the final number of new trees will be determined through the development permit process.

8. Public Benefits

Community Amenity Contributions (CAC) – This application is subject to a negotiated CAC under the *Community Amenity Contributions Policy for Rezonings*.

Real Estate Services staff reviewed the application and the cost of securing the rental housing units, including the 20% of the residential floor area at below-market rents, and have determined that no additional CAC is expected.

Development Cost Levies (DCLs) – The site is subject to both the City-wide DCL and Utilities DCL, which will be calculated on the floor area proposed at the development permit stage. This application has requested and is expected to be eligible for a Class A (100%) waiver of the City-wide DCLs applicable to this residential building. This application is therefore subject to the maximum starting rents by unit type applicable to “class A for-profit affordable rental housing” as per the Development Cost Levy By-law, if applicable and as may be amended from time to time. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance, ensuring that a final rent roll that sets out the initial monthly rents is submitted.

Based on rates in effect as of September 30, 2024, and the proposed 10,059 sq. m (108,272 sq. ft.) of residential floor area and 50 sq. m (540 sq. ft.) of commercial floor area, it is estimated that the project will pay DCLs of \$1,618,992. The value of the anticipated City-wide DCL waiver on the residential floor area is estimated to be \$2,557,098 DCL rates are subject to future adjustment by Council including annual inflationary adjustments.

A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City’s [DCL Bulletin](#) for details on DCL rate protection.

Public Art – The application is subject to a public art contribution estimated at \$215,448. The final contribution will be calculated based on the floor area and rate in effect at the development permit stage. Applicants may elect to provide on-site artwork or cash-in-lieu (at 80% of the public art budget). A summary of the public benefits associated with this application is included in Appendix G.

FINANCIAL IMPLICATIONS

As noted in the Public Benefits section, this project is expected to provide market and below-market rental housing, DCLs and a public art contribution. See Appendix G for additional details.

CONCLUSION

Staff conclude that the proposed land use and form of development are consistent with the Plan. If approved, this application would contribute approximately 170 rental units with 20% of the residential floor area secured at below-market rates. The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with the draft CD-1 By-law as generally shown in Appendix A, with a recommendation that these be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B, including approval in principle of the form of development as shown in the plans included as Appendix D.

* * * * *

**2156-2174 West 14th Avenue
PROPOSED CD-1 BY-LAW PROVISIONS**

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

Zoning District Plan Amendment

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

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

Designation of CD-1 District

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

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 6.5 of this by-law; and
 - (b) "Below-market Rental Housing Units" means dwelling units that meet the requirements of approved Council policies and guidelines for below-market rental housing, as secured by a housing agreement and 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 this CD-1 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Mixed-Use Residential Building; and
 - (b) Retail Uses;
 - (c) Services Uses; and

- (d) 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 below-market rental housing units.
- 5.2 The design and layout of at least 35% of the total number of below-market rental housing units and at least 35% of the total number of other dwelling units must:
- (a) be suitable for family housing; and
 - (b) have 2 or more bedrooms, of which:
 - (i) at least 25% of the total dwelling units must be 2-bedroom; and
 - (ii) at least 10% of the total dwelling units must be 3-bedroom units.
- 5.3 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building except for:
- (a) display of flowers, plants, fruits and vegetables in combination with a permitted use;
 - (b) farmers' market;
 - (c) neighbourhood public house;
 - (d) public bike share; and
 - (e) restaurant,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions the Director of Planning considers 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 area must assume that the site area is 1,743 m², being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.
- 6.2 The maximum floor space ratio for all uses combined is 5.8 and must include a combination of residential use and commercial use.
- 6.3 A minimum of 50.2 m² must be provided for commercial uses at the ground level.
- 6.4 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.

- 6.5 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, provided that:
 - (i) the total area of these exclusions must not exceed 15% of the permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
 - (c) floors or portions thereof that are used for:
 - (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,
 - (ii) bicycle storage, and
 - (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing.
 - (d) entries, porches, verandahs and covered circulation if the Director of Planning first approves the design;
 - (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit; and
 - (f) all storage area below base surface for non-dwelling uses.
- 6.6 The Director of Planning or Development Permit Board may exclude common amenity areas from the computation of floor area, to a maximum of 10% of the total permitted floor area, if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.
- 6.7 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 below-market rental housing units as storage area.

Building Height

- 7.1 Building height must not exceed 56 m.
- 7.2 Despite section 7.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space or mechanical appurtenances including elevator overrun and rooftop

access structures, the height of the portion of the building with permitted common rooftop amenity space or mechanical appurtenances must not exceed 58 m.

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 8.2 For the purposes of section 8.1 above, habitable room means any room except a bathroom or a kitchen.
- 8.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 8.4 The plane or planes referred to in section 8.3 above must be measured horizontally from the centre of the bottom of each window.
- 8.5 An obstruction referred to in section 8.3 above means:
 - (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 8.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines; and
 - (a) the minimum distance of unobstructed view is at least 3.7 m.
 - (b) the habitable room is within a unit assigned to below-market rental housing units containing a minimum of 3 bedrooms, where the horizontal angle of daylight requirement is varied for no greater than 1 of the habitable rooms in the unit.

* * * * *

**2156-2174 West 14th 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 Musson Cattell Mackey Partnership, received October 13, 2023, with revisions received January 12, 2024, provided that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

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

Urban Design

1.1 Design development to improve contextual fit as follows:

- (a) Provide a 3.7 m (12 ft.) east shoulder step back at Level 4 podium roof level;

Note to Applicant: The intent is to improve the transition to east neighbouring property and better align with the expectations of the Broadway Plan Built Form. (Level 4 as per the rezoning application drawings by Musson Cattell Mackey Partnership "Re-issued for Rezoning" dated 2023-12-08 and issued to City staff on January 12, 2024.)

- (b) Reduce perceived bulk and massing;

Note to Applicant: The tower fin walls and podium frame add to the depth of the building. Bookending north and south balconies adds to perceived tower massing as perceived from east and west neighbouring properties and the podium frame structure adds depth to podium units.

- (c) Improve public realm interface and perimeter site design as follows:

- (i) Provide a 3.7 m (12 ft.) above and below grade setback from 14th Avenue;

Note to Applicant: Refer to figure 11.18 of the Plan and Landscape Condition 1.5.

- (ii) Increase usable outdoor space at grade by better integrating loading, garbage and podium egress stair into the overall built form;

Note to Applicant: The west podium stair should be fully enclosed and form part of the podium massing.

- (iii) Provide setbacks free and clear of development by:
 - Eliminating parkade encroachment into the west yard setback; and
 - Internalizing the western staircase within the building envelope.
 - (iv) Reinforce the ground-oriented character of the at-grade units; and
Note to Applicant: Refer to Landscape Condition 1.6. Suggested strategies include more closely aligning at-grade units with grade, and highlighting individual entries with clearly visible doors, appropriately scaled weather protection, individual gates, stairs, and landscaping.
 - (d) Further refine the architectural expression;
Note to Applicant: The area of glazing is unclear. Strengthen the corner expression, better integrate the podium frame into the overall design, and minimize overlook and blank wall expression at east and west elevations. Fine-grained, high-quality design and detailing sensitive to the pattern and character of the neighbourhood is anticipated at Development Permit.
- 1.2 Design development to provide universally accessible site design by ensuring on-site or internal access from all ground level townhouse units to shared indoor / outdoor amenities, services and parking and loading spaces;
Note to Applicant: The intent of this condition is to ensure that access and circulation within the site is equitable and universal particularly for people using wheelchairs and with other mobility challenges. This may be achieved by providing an internal corridor. At Development Permit stage, strategies for universal accessibility to entry lobby and retail should also be demonstrated.
- 1.3 Design development to strengthen the local serving retail frontage and pedestrian interest by:
- (a) Ensure provision of functional and flexible commercial retail spaces;
Note to Applicant: This can be achieved by providing;
 - (i) approx. 4.5 m (15 ft.) floor to floor-to floor height;
 - (ii) minimum. 4.5 m (15 ft.) frontage at West 14th Avenue; and
 - (iii) universal access;
 - (b) Include provision of clearly delineated pedestrian scale retail frontage with a covered outdoor seating area to activate the public realm and create community connectivity.
 - (c) Fully integrated weather protection, signage and kitchen exhaust mechanical equipment to become part of the Development Permit application.
- 1.4 Design development to provide functional private outdoor space for all dwelling units.
Note to Applicant: Refer to Section 11.1.20 of the *Plan*. All residential units should have a patio, deck, or balcony.

Landscape

- 1.5 Design development to maximize the amount of replacement trees planted on grade, with access to the water table.

Note to Applicant: Maximize the amount of replacement trees located within the 3.7 m (12 ft.) underground setback area to take advantage of this condition. Alternative methods and materials, such as permeable paving, structural soils and soil cells are encouraged in order to support tree health. Refer to urban design condition 1.1(c)(i).

- 1.6 Explore retention of Tree 7683. This tree will be located within the underground setback area, and is noted as a high retention value tree in the Arborist Report.

Note to Applicant: Retention of this tree is to be explored with an updated Arborist Report. The updated arborist report should take into consideration the most recent site design, 3.7 m (12 ft.) underground setback requirement, necessary grading approach, and any canopy pruning requirements.

- 1.7 Design development to soften the building edge and ease the transition from built environment to the streetscape along 14th Avenue.

Note to Applicant: This could be achieved by providing tiered or terraced planters (adjacent to the sidewalk along 14th Avenue) to ease the grade transition. Or a softening these exposed planter walls with the use of hanging/trailing plant material, climbable plant material and a support structure, or incorporating additional seating elements. The built environment should integrate with the existing streetscape, blank walls should be avoided at the pedestrian level.

- 1.8 Provision of a detailed Landscape Plan illustrating soft and hard landscaping for the complete site, including rooftops (where applicable).

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

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

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

- 1.10 Provision of a soil depth overlay sheet, included with the landscape plans.

- 1.11 Provision of landscape features intended to create bird friendly design.

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

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

Note to Applicant: Methods of tree protection for street trees (as approved by Park Board Urban Forestry) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection. Two separate applications must be applied for: A commercial water permit and another commercial sewer permit. Please contact Engineering services as soon as possible to begin the process for confirming the trenching locations for Sewer and for Water.

Housing

- 1.13 The proposed unit mix, including 48 studio units (28%), 61 one-bedroom units (36%), and 46 two-bedroom units (27%), 15 three-bedroom units (9%) is to be revised in the Development Permit drawings to achieve at least 10% three-bedroom units and 25% two-bedroom units.

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 market rental units and 35% of the below-market rental units, designed to be suitable for families with children, of which at least 25% must be two-bedroom units and at least 10% must be three-bedroom units.

- 1.14 The development should be designed in accordance with the High-Density Housing for Families with Children Guidelines, including the provision of:
- (a) An outdoor amenity area to include areas suitable for a range of children's play activities appropriate in size for the scale of the project and situated to maximize sunlight access (S. 3.3.2, 3.4.3);

Note to Applicant: Play area to be incorporated into the outdoor amenity area, and adjacent to the indoor amenity room to allow for adult supervision.
 - (b) A minimum of 2.3 sq. m (25 sq. ft.) of bulk storage for each dwelling unit (S. 4.4.2);

Note to Applicant: Provide confirmation that all units have bulk storage, with preference for in suite storage for all family units.
 - (c) A multi-purpose indoor amenity space appropriate in size for the scale of the project, with a wheelchair accessible washroom and kitchenette.
Consider positioning this adjacent to the children's play area to enable parental supervision from the amenity room (S. 3.7.3); and
 - (d) A balcony for each family unit with 1.8 by 2.7 m minimum dimensions (S. 4.3.2).

- 1.15 The below-market units should be designed to the same standards of livability as the market rental units.

Note: Clearly label the proposed below-market units and market rental units on the architectural drawings.

Sustainability

- 1.16 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezoning*s (amended July 25, 2023) located here <https://guidelines.vancouver.ca/policy-green-buildings-for-rezonings.pdf>.

Note to Applicant: Refer to the most recent bulletin *Green Buildings Policy for Rezoning*s – *Process and Requirements*.

Engineering

- 1.17 Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (City of Vancouver Design Guidelines, Construction Standards and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site prior to Building Permit issuance.

Note to Applicant: 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 Occupancy Permit issuance. Please contact Engineering Services at shoringreview@vancouver.ca for details.

<https://vancouver.ca/streets-transportation/street-design-construction-resources.aspx>

- 1.18 The owner or representative is to contact Engineering Services at StreetUseReview@vancouver.ca to acquire the project's permissible street use after Building Permit issuance.

Note to Applicant: Prepare a mitigation plan to minimize street use during excavation & construction (i.e., consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60-day lead time is required for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.

<https://vancouver.ca/home-property-development/construction-street-use-permits.aspx>

- 1.19 Submission of letter prior to Development Permit issuance confirming acknowledgement that this application falls within the area with potential impacts due to the Broadway Subway Project construction and that you have contacted the Rapid Transit Office for more detailed information.

Note to Applicant: Please contact the City of Vancouver Rapid Transit Office (rapidtransitoffice@vancouver.ca) for more information on impacts to access and street use for your project.

<https://vancouver.ca/streets-transportation/ubc-line-rapid-transit-study.aspx>

- 1.20 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.
- 1.21 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.
- 1.22 Confirmation that gates/doors are not to swing more than 0.3m (1.0 ft.) over the property lines.
- 1.23 Provision of garbage and recycling storage amenity design to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Draw and label container outlines and if the site is mixed use, demonstrate separated solid waste amenities for commercial and residential use, and label each amenity. Amenities designed below grade require written confirmation from a waste hauler that access and pick up from the location can be made 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.

Refer to the Garbage and Recycling Facility Storage Amenity Design Supplement for more information. [Guidelines: Garbage and Recycling Storage Facility Design \(vancouver.ca\)](#)

- 1.24 Submission to Engineering of an updated landscape plan reflecting all the public realm changes, including demonstration of:
- (a) Display of the following notes:
 - (i) "This plan is "NOT FOR CONSTRUCTION" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development and Major Projects and/or your Engineering, Building Site Inspector for details."
 - (ii) "Tree species, final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil volumes. Installation of Engineered Soil may be required to obtain appropriate soil volumes based on site conditions. Root barriers shall be of rigid construction, 8 feet long and 18 inches deep, centre on each street tree adjacent to the sidewalk and any off-street bike facility. Planting depth of root ball must be below sidewalk grade. Contact Park Board at pbdevelopment.trees@vancouver.ca for inspection after tree planting completion".
 - (b) Existing locations of:
 - (i) Street furniture; and
 - (ii) Poles and guy wires.

Note to Applicant: Poles and guywires that are to be removed or relocated must be called out and the existing and proposed locations shown.
 - (c) Streetscape designed in compliance with the "All other City areas" Streetscape Design Guidelines.

Note to Applicant: Where a design detail is not available, make note of the improvement on the plan. Public realm changes include all off-site improvements sought for this rezoning. The Streets Design Guidelines are viewable online at <https://vancouver.ca/streets-transportation/streetscape-design-guidelines.aspx> and are to be used alongside the City design guidelines and construction standards.

- 1.25 Provision of on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.

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

- 1.26 Provision of a [Transportation Demand Management \(TDM\) Plan](#).

Note to Applicant: Submit TDM Plan A, B, C or D. Council approved amendments to the Parking Bylaw and the Transportation Demand Management (TDM) Administrative

Bulletin. These requirements will apply to site development permits following this rezoning.

1.27 Provision of parking access, per [Parking By-law Section 4](#) and the [Design Supplement](#):

(a) Two-way vehicle flow, including:

(i) Layout not requiring vehicles to back up for more than 10 m (32.8 ft).

1.28 Provision of Loading spaces, per the [Parking By-law Section 5](#) and the [Design Supplement](#), including:

(a) Clear unloading area or raised rear dock, minimum 1.8 m (5.9 ft) wide, with suitable access to facilitate goods loading /unloading;

(b) Minimum 3.4 m (11.2 ft) width, 10.2 m (33.5 ft) length for Class B spaces;

(c) Submit drawings illustrating satisfactory access and egress to angled Class B loading spaces using SU-9 design vehicle.

Note to applicant: Council approved amendments to the Parking Bylaw for loading rates and design requirements. These requirements will apply to site development permits following this rezoning.

1.29 Provision of the following general revisions to architectural plans, including:

(a) All types of parking, loading, bicycle, end-of-trip facilities and passenger loading spaces individually numbered and labelled on the drawings.

(b) Dimension the columns and column encroachments into parking spaces.

(c) Provide section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and to the underside of raised security gates considering mechanical projections and built obstructions.

(d) Provide design elevations at all breakpoints on both sides of ramps, drive aisles, loading and passenger loading spaces, accessible spaces, and entrances.

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

(a) The abandonment or removal of all existing storm, sanitary, and combined connections to the development site.

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

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

Note to Applicant: BC Hydro System Vista, Vista switchgear, pad mounted transformers, low profile transformers and kiosks as well as telecommunications kiosks are to be located on private property with no reliance on public property for placement of these features.

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

- 1.32 A Key Plan shall be submitted by the applicant and approved by the City prior to any third-party utility drawing submissions, and third-party utility service drawings will not be reviewed by the City until the Key Plan is defined and achieves the following objectives:
- (a) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan <https://vancouver.ca/files/cov/engineering-design-manual.PDF>; and
 - (b) The Key Plan shall meet the specifications in the City of Vancouver Engineering Design Manual Section 2.4.4 Key Plan <https://vancouver.ca/files/cov/engineering-design-manual.PDF>; and

Note to Applicant: It is highly recommended that the applicant submits a Key Plan to the City for review as part of the Building Permit application.

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

<https://vancouver.ca/files/cov/Key%20Plan%20Process%20and%20Requirements.pdf>

- 1.33 Show all City supplied building grades (BGs) and entranceway design elevations (DEs) on the architectural and landscape plans, while ensuring any topographic survey used for design purposes is derived from a benchmark with elevations consistent with those denoted on the City issued building grade plan.

Note to Applicant: When providing additional property line elevations for proposed entrances, interpolate a continuous grade between the elevations provided on the City supplied building grade plan.

For more information, please contact Engineering, Streets Design Branch at building.grades@vancouver.ca or call 604-871-6373.

<https://vancouver.ca/home-property-development/building-grades-for-sidewalk-and-street-elevation.aspx>.

PART 2: CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

- 2.1 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for consolidation of Lots 3 to 5, Block 444, District Lot 526, Plan 2300 to create a single parcel.
- 2.2 Provision of a Services Agreement to detail the on-site and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the city

and all necessary street dedications and rights-of-way for the Services and provided. No development permit for the Rezoning Site, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit, as security for the Services, is provided. The timing for 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. The Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

Note: 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 domestic and fire flow demands of the project.

Note to Applicant: Note to Applicant: Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Aplin Martin dated August 21, 2023, no water main upgrades are required to service the development.

The main servicing the proposed development is 200 mm. Should the development require water service connections larger than 200 mm, 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. The maximum water service connection size is 300 mm.

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

- (b) Provision of adequate sewer (storm and sanitary) service to meet the demands of the project.

Note to Applicant: Implementation of development(s) at 2156-2174 West 14th Avenue does not require any sewer upgrades to maintain acceptable storm and sanitary sewer flow conditions.

Development to be serviced to the existing 200 mm SAN and 300 mm STM sewers in West 14th Avenue.

- (c) Provision of street improvements with appropriate transitions, along West 14th Avenue adjacent to the site, including:

- (i) 2.1 m wide broom finish saw-cut concrete sidewalk.

Note to Applicant: The Streets Design Guidelines are viewable online at <https://vancouver.ca/streets-transportation/streetscape-design-guidelines.aspx> and are to be used alongside the City design guidelines and construction standards. Confirm if your site is within a Streetscape Design Guideline area and follow the applicable guidelines.

- (d) Provision of lane improvements with appropriate transitions, along the lane adjacent to the site, including:

- (i) Full depth pavement reconstruction.

Note to Applicant: Lane reconstruction to meet City higher-zoned lane standards. Refer to the City design guidelines and construction standards.

<https://vancouver.ca/streets-transportation/street-design-construction-resources.aspx>

- (e) Provision of speed humps in the lane south of 14th Avenue between Arbutus Street and Yew Street.
- (f) Provision of street trees where space permits.

Note to Applicant: Final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. Tree species to the approval of the City Arborist. Street tree planting to include appropriate soil volumes and approved root barriers of rigid construction, 8 ft. long and 18 inches deep, centre on each street tree adjacent to the sidewalk and any off-street bike facility. Installation of Engineered Soil under new sidewalks may be required to obtain appropriate soil volumes based on site conditions.

- (g) Provision of installation of parking regulatory signage on streets adjacent to the site, to the satisfaction of the General Manager of Engineering Services.
- (h) Provision of upgraded street lighting (roadway and sidewalk) and existing lane lighting to current City standards and IESNA recommendations.
- (i) Provision of Arbutus/West 14th and Yew/West 14th entire intersections street lighting upgrade to current City standards and IESNA recommendations
- (j) Provision of new or replacement duct banks that meet current City standard.

Note to Applicant: Duct banks are to consist of electrical and communication ducts and cables that connect to existing electrical and communication infrastructure.

Note to Applicant: A Development and Major Projects construction coordinator will contact the Applicant in the Development Permit stage and coordinate the submission of the detailed Electrical design. The detailed Electrical design is required prior to the start of any associated electrical work and is to conform with the current City Engineering Design Manual, Construction Specifications, Standard Detail Drawing, Canadian Electrical Code, and the Master Municipal Construction Documents.

Housing

- 2.3 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into a Housing Agreement and a Section 219 Covenant to secure all residential units as class A for profit affordable rental housing, excluding Seniors Supportive or Assisted Housing, and including at least 20% of the residential floor area that is counted in the calculation of the dwelling unit area per the CD-1 By-law to be secured as below-market rental housing units, and the remaining units to be secured as market rental units, subject to the conditions set out below for such units, subject to the conditions set out below for such units and in accordance with the requirements set out in the Broadway Plan, for a term equal to the longer of 60 years and 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 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 the units will be rented for less than one month at a time;
- (d) That the average initial starting monthly rents by unit type for the below-market rental housing units in the project will be at least 20% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;
- (e) That a rent roll indicating the agreed maximum average initial monthly rents for the below-market rental housing units will be required prior issuance of an Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design or Sustainability (or successor in function) and the Director of Legal Services;
- (f) Following initial occupancy, on a change in tenancy for a below-market rental housing unit, the starting rent for such new tenancy will be at least 20% below the rent for private rental apartment units city-wide as published by the Canada Mortgage and Housing Corporation in the most recent Rental Market Survey Data Tables for Vancouver for that unit type at the time of the change in tenancy;
- (g) That the applicant will verify eligibility of new tenants for the below-market rental housing units, based on the following:
 - (i) For new tenants, annual household income cannot exceed (4) four 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) That the applicant will verify the ongoing eligibility of existing tenants in below-market rental dwelling 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 below-market rental housing 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 below-market rental housing 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 or Sustainability (or successor in function) and the Director of Legal Services may require in their sole discretion.

Note: This condition will be secured by a Section 219 Covenant and a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the *Vancouver Charter* prior to enactment of the rezoning by-law.

- 2.4 Enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:
- (a) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design and Sustainability as per the Broadway Plan and the Tenant Relocation and Protection Policy that is effective at the time of submission of the Development Permit Application.
 - (b) Provide a notarized declaration prior to issuance of the Development Permit that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each eligible tenant summarizing the Tenant Relocation Plan offer and signed as received by each eligible tenant.
 - (c) Provide an Interim Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Demolition Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building; each tenant's choice of either the financial compensation or temporary rent top-up option; the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant), and their temporary rent top up amount for the first year of tenancy in the alternative unit (if applicable) and total compensation amount(s); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan. A copy of the Temporary Rent Top-Up Calculation Form for each tenant that chooses the Temporary Rent Top up option must also be provided with the Interim Tenant Relocation Report.

Note: If a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.
 - (d) Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building and their starting rent, and for those not returning to the new building, the outcome of their search for alternate accommodations and the total monetary value given to each tenant (moving costs, financial compensation, total rent-top up amount, any other compensation).
- 2.5 Execute an agreement satisfactory to the Director of Legal Services and the Managing Director of Cultural 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 Public Art.

- 2.6 Consult with the Head of Public Art regarding opportunities for investment in public spaces as per the *Plan*.
- 2.7 Provide development details to the satisfaction of the Head of Public Art (a checklist will be provided) confirming the selection of Option A, Art on Site, or Option B, 80% cash-in-lieu of art.

Note: Please contact staff at publicart@vancouver.ca to discuss your application.

Environmental Contamination

- 2.8 The following conditions must be met prior to enactment of the rezoning:
- (a) Submit a site disclosure statement to Environmental Services;
 - (b) As required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and
 - (c) If required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements 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: 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 registrable 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-laws 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.

* * * * *

**2156-2174 West 14th 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:

“2156-2174 West 14th Avenue [CD-1 #] [By-law #] C-2”

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

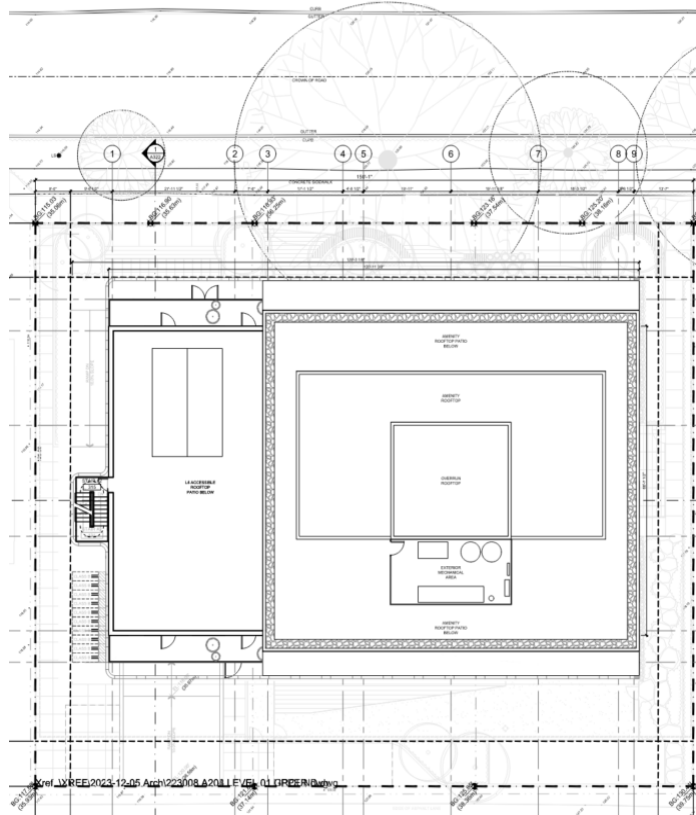
Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1 #] [By-law #] 2156-2174 West 14th Avenue”

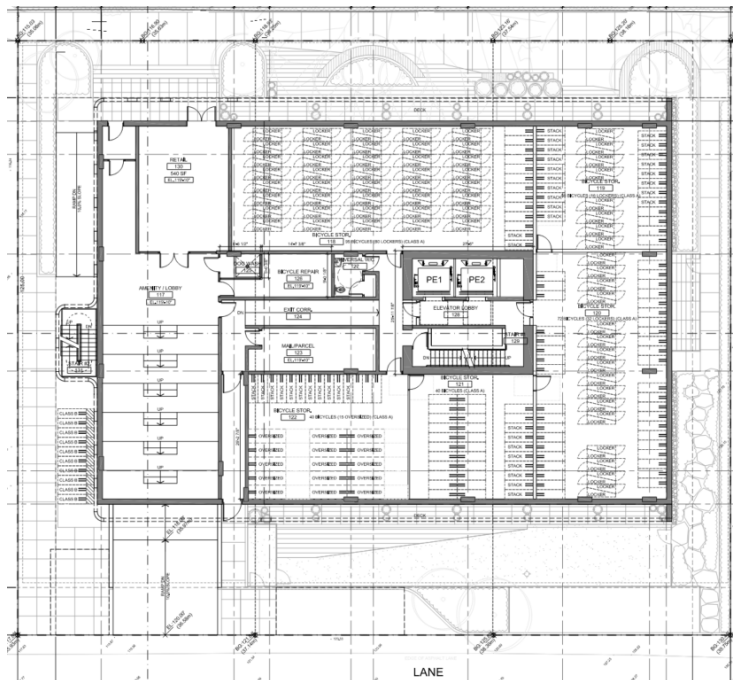
* * * * *

2156-2174 West 14th Avenue
FORM OF DEVELOPMENT DRAWINGS

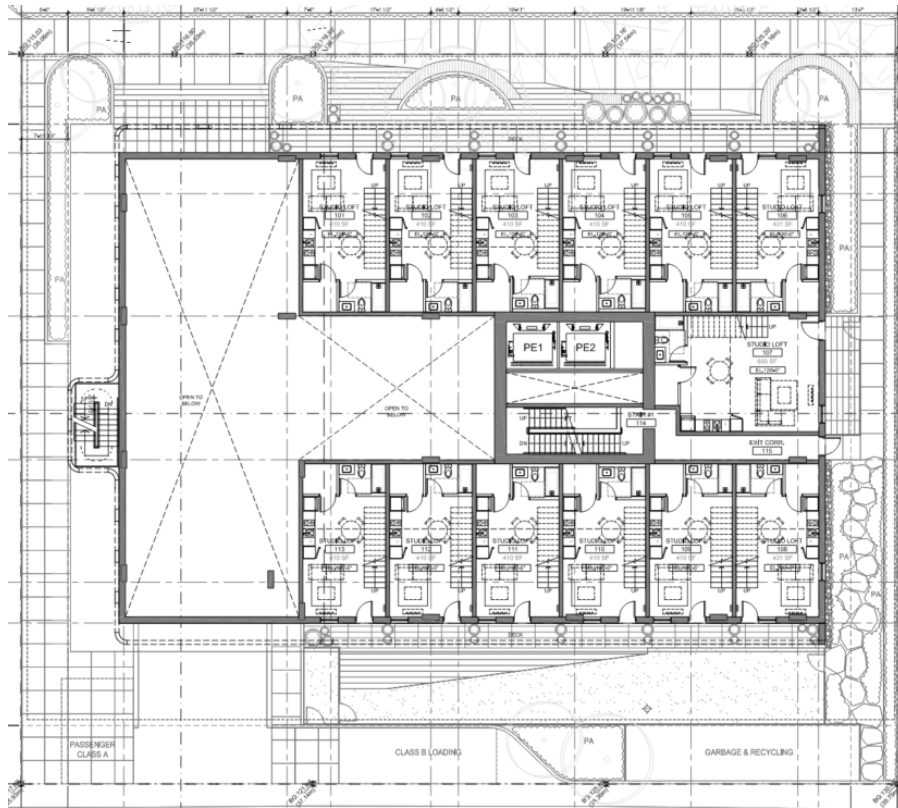
Site Plan



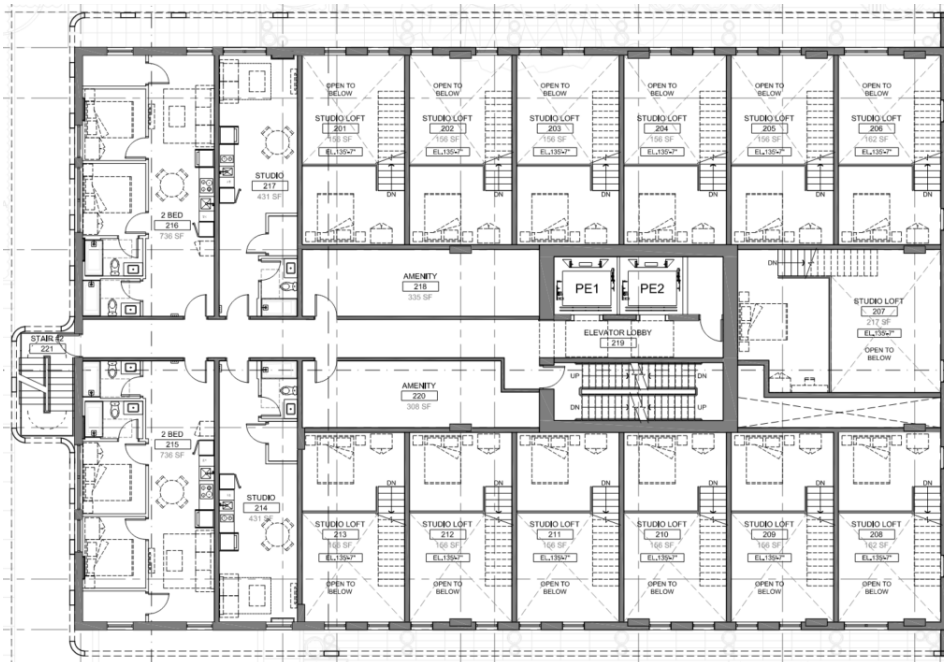
Ground Floor Plan



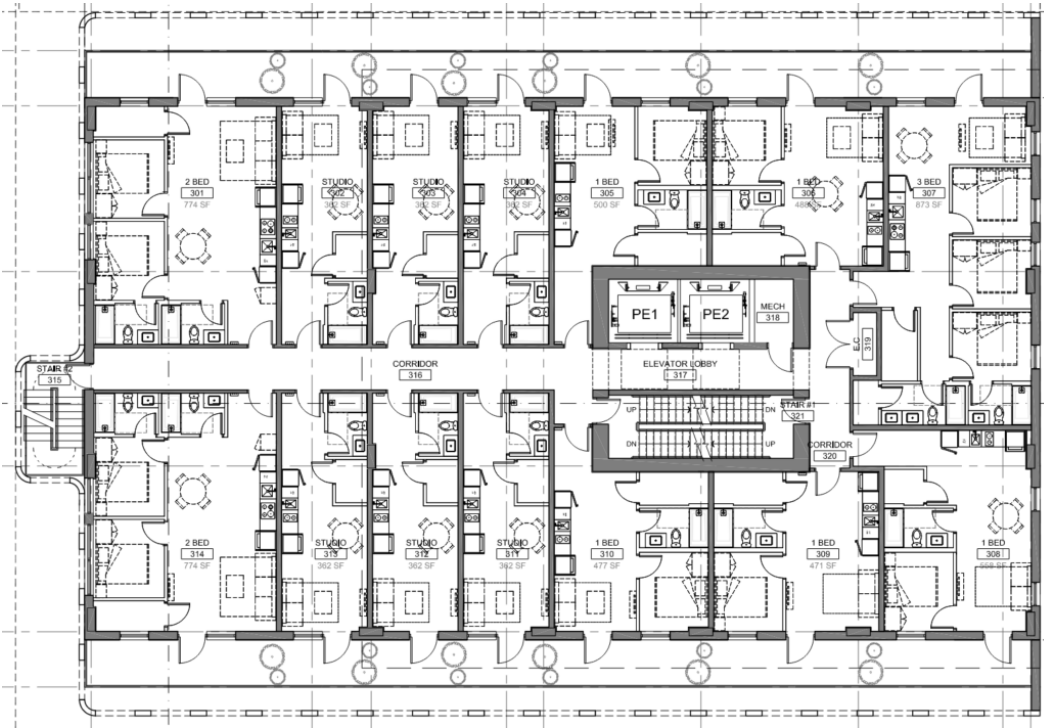
Ground Oriented Units



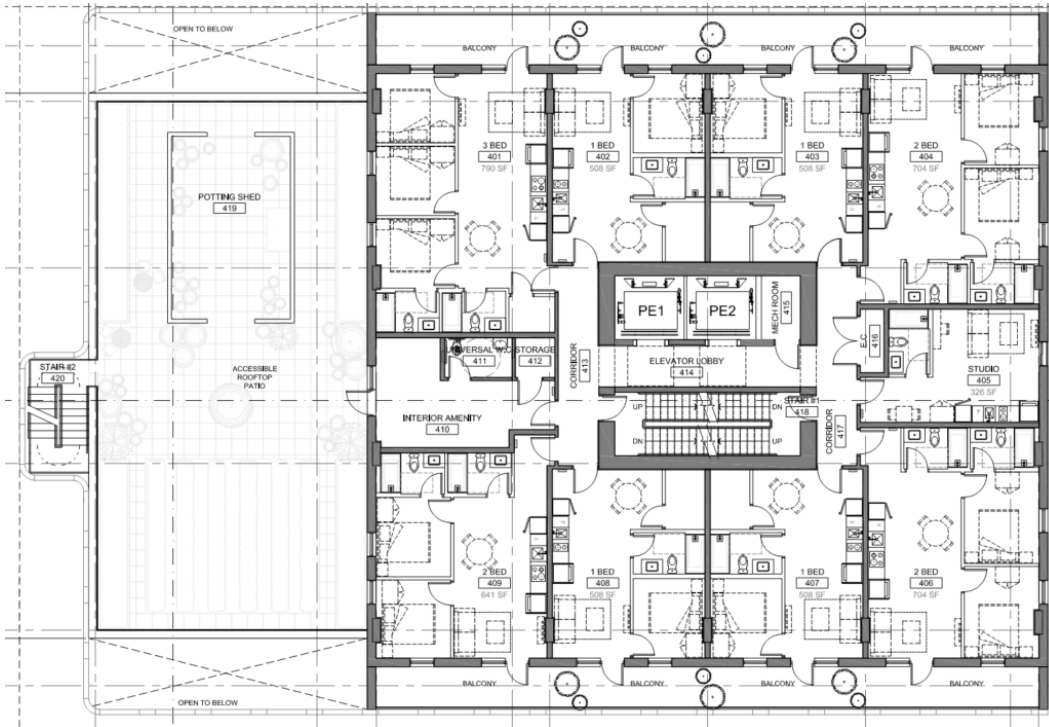
Level 2 Floor Plan



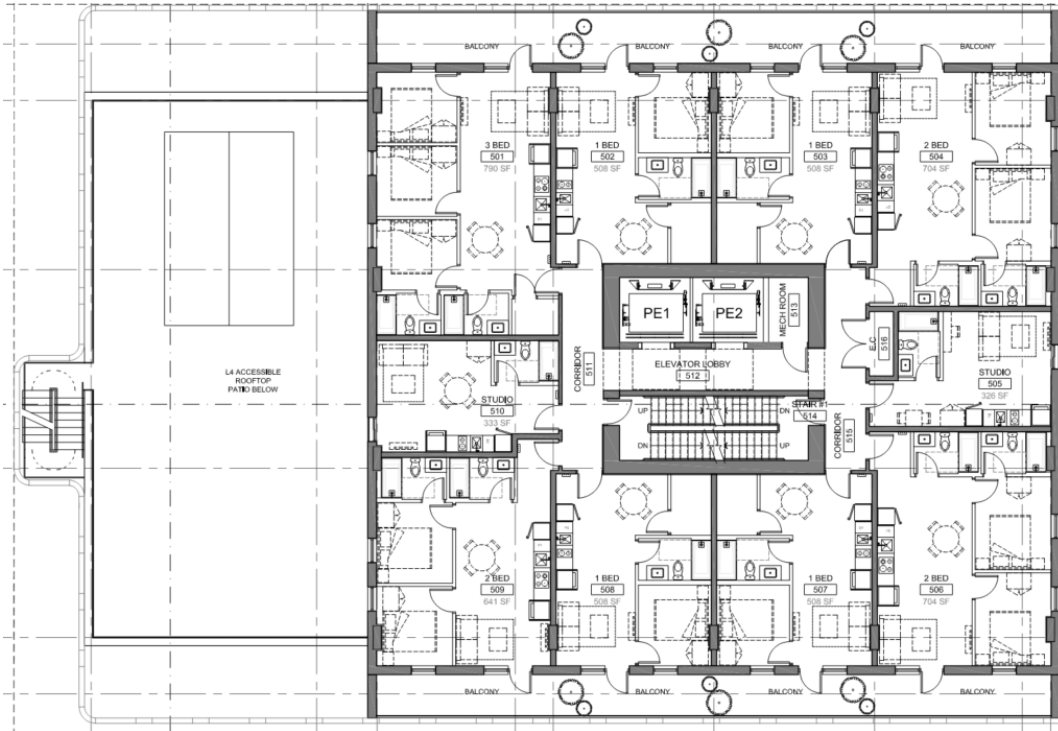
Level 3 Floor Plan



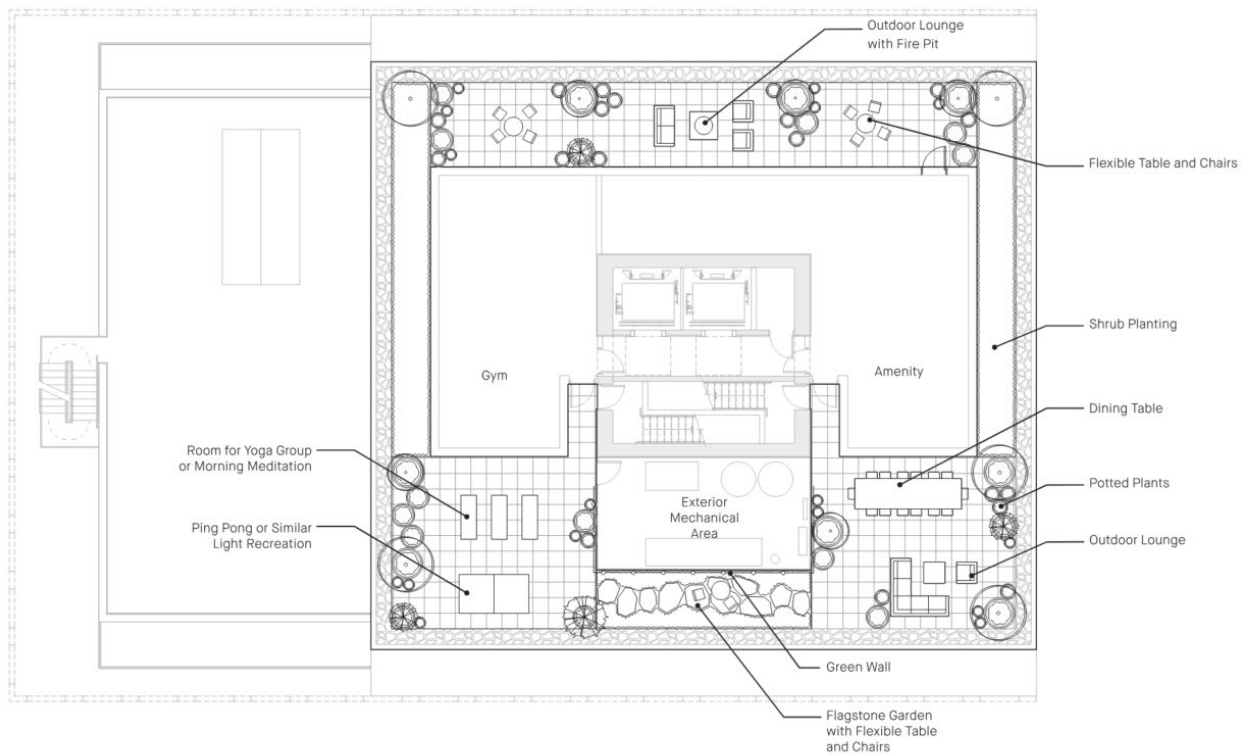
Level 4 Floor Plan



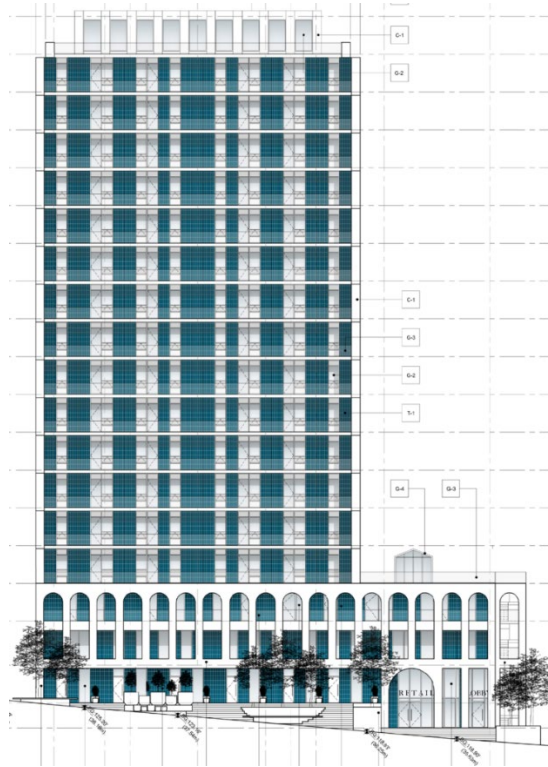
Level 5 to 17 Floor Plan



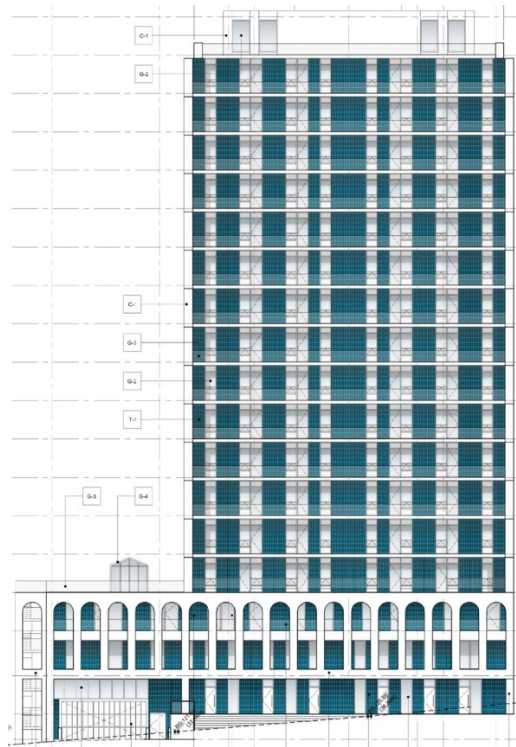
Rooftop



Front Elevation



East Elevation



Perspective View – From 14th Avenue



Perspective View – From 14th Avenue at the Ground Level



2156-2174 West 14th Avenue
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

	Date	Results
Events		
Question and Answer Period	February 21, 2024 – March 5, 2024	820 participants (aware)* <ul style="list-style-type: none"> • 291 informed • 121 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	February 16, 2024	1442 notices mailed
Public Responses		
Online questions	February 21, 2024 – March 5, 2024	32 submittals
Online comment forms <ul style="list-style-type: none"> • Shape Your City platform 	December 2023 – July 2024	315 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed/other 	December 2023 – July 2024	315 submittals <ul style="list-style-type: none"> • 109 responses • 197 responses • 9 responses
Other input	December 2023 – July 2024	23 submittal
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	December 2023 – July 2024	3765 participants (aware)* <ul style="list-style-type: none"> • 1045 informed • 326 engaged

Note: All reported numbers above are approximate.

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

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

2. Map of Notification Area



3. Analysis of All Comments Received

Below is an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Housing:** The proposed development would create more rental and affordable housing options.
- **Density:** The proposed density is supported here given the location of the development along a major transit route.
- **Location:** The building location is ideal, with access to transit hubs and bikeways.

Generally, comments of concern fell within the following areas:

- **Neighbourhood character:** The development takes away from the neighbourhood character, with a large building in the middle of a block of residential homes. Development in the neighbourhood should more gradual.
- **Height:** The height of the proposal would be too tall in an area that only has low to mid rise developments. A lower or mid-rise building would be preferred.
- **Traffic:** The development would negatively impact traffic by increase congestion and reducing safety.

- **Density:** The proposed density would overwhelm existing amenities and infrastructure. There is a lack of existing amenities and infrastructure to accommodate density, and additional amenities and infrastructure required here.
- **Location:** The proposed development is not suited to this location and would be better suited on an arterial.
- **Parking:** The proposed development does not provide enough parking and would worsen parking in the surrounding area.
- **Green space:** There are concerns regarding removal of tree on site.

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

General comments of support:

- Commercial spaces are supported here.
- The development will positively impact the neighbourhood.
- The building design is attractive.
- The building height is appropriate.

General comments of concern:

- Unit sizes are too small.
- Liveability in the neighbourhood will be negatively impacted by this proposal.
- The building design is poor.
- The developer is new and inexperienced, so there are concerns on the lack of finances, which can cause delays.
- The building design is poor.

Neutral comments/suggestions/recommendations:

- A tower should be developed on an arterial/major route first.
- Retail is not suited to a residential area.
- The rezoning should be approved or expedited.
- A standardized zone should be used instead of another CD-1.
- The rezoning process is unnecessary for similar Broadway Plan applications.

* * * * *

2156-2174 West 14th Avenue
SUMMARY OF TENANT RELOCATION PLAN TERMS

Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer
Financial Compensation	<p>The choice of either:</p> <ul style="list-style-type: none"> • Compensation in the form of free rent, a lump sum payment, or a combination of both, will be available for each unit eligible for Tenant Relocation Plan according to the following schedule: <ul style="list-style-type: none"> ○ 4 months' rent for tenancies up to 5 years; ○ 5 months' rent for tenancies over 5 years and up to 10 years; ○ 6 months' rent for tenancies over 10 years and up to 20 years; ○ 12 months' rent for tenancies over 20 years and up to 30 years; ○ 18 months' rent for tenancies over 30 years and up to 40 years; and ○ 24 months' rent for tenancies over 40 years. <p>Or:</p> <ul style="list-style-type: none"> • For tenants that wish to exercise their Right of First Refusal to return to the new building, a temporary rent top-up to mitigate rent increases while waiting to return to the new building.
Notice to End Tenancies	<ul style="list-style-type: none"> • Landlord to provide regular project updates to tenants throughout the development approvals process. • A minimum of four months' notice to end tenancy after all permits are issued is required (e.g., all development, building, and demolition permits in place).
Moving Expenses (flat rate or arrangement of an insured moving company)	<ul style="list-style-type: none"> • A flat rate of \$750 or \$1000 will be provided to all eligible tenants depending on the type of unit.
Assistance in Finding Alternate Accommodation (3 options)	<ul style="list-style-type: none"> • Staff have distributed tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver that best meet the tenants' identified priorities.
Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing	<ul style="list-style-type: none"> • For low-income tenants and tenants facing other barriers to housing, as defined in the <i>TRP Policy</i>, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.
First Right of Refusal	<ul style="list-style-type: none"> • The applicant has committed to offering all eligible tenants the Right of First Refusal to return to the new building at either a 20% discount to city-wide average market rents by unit type for the City of Vancouver, as published annually, or at the tenant's current rent, whichever is less.

**2156-2174 West 14th Avenue
PUBLIC BENEFITS SUMMARY**

Project Summary:

A 17-storey building containing 170 secured-rental residential units of which 20% of the residential floor area are at below-market rental units.

Public Benefit Summary:

170 secured-rental residential units, of which 20% of the residential floor area at below-market rates, secured with a Housing Agreement for the greater of 60 years and the life of the building as well as a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	RT-7	CD-1
FSR (site area = 1,743 sq. m (18,758 sq. ft.))	0.6	5.8
Buildable Floor Area	1,045.8 sq. m (11,257 sq. ft.)	10,109 sq. m (108,812 sq. ft.)
Land Use	Residential	Mixed Use

Summary of development contributions expected under proposed zoning

City-wide DCL ^{1,2}	\$12,711
Utilities DCL ¹	\$1,606,281
Public Art ³	\$215,448
TOTAL	\$1,834,440

Other benefits (non-quantified): 170 rental housing units, of which 20% of the residential floor area would be rented at below-market rates, secured for the greater of 60 years and the life of the building.

¹ Based on by-laws in effect as of September 30, 2024. DCLs are payable at building permit issuance based on rates in effect at that time and the floor area proposed at the development permit stage. DCL By-laws are subject to future adjustment by Council including annual inflationary adjustments. A development may qualify for 12 months of in-stream rate protection. See the City's [DCL Bulletin](#) for more details.

² The applicant has requested a DCL waiver for the residential floor area of the proposal and will be subject to the maximum average rents by unit type for the below-market units, in accordance with the DCL By-law, as secured by an amendment to the Housing Agreement. The value of the City-wide DCL waiver on the residential floor area is approximately \$2,557,098.

³ Based on rates in effect as of 2016. Rates are subject to adjustments, see [Public Art Policy and Procedures for Rezoned Developments](#) for details.

* * * * *

**2156-2174 West 14th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

Property Information

Address	Property Identifier (PID)	Legal Description
2156 West 14th Avenue	013-886-584	Lot 5, Block 444, District Lot 526, Plan 2300
2166 and 2168 West 14th Avenue	013-886-568	Lot 4, Block 444, District Lot 526, Plan 2300
2172 and 2174 West 14th Avenue	013-886-550	Lot 3, Block 444, District Lot 526, Plan 2300

Applicant Information

Architect	Musson Cattell Mackey Partnership Architects Designers Planners
Applicant	HAVN Developments Ltd.
Registered Owners	David Milan Jakovac (Lot 5)
	Donald McLeod Anderson and Barbel Lieseloette Henning (Lot 4)
	Mei Zhen Li (Lot 3)

Development Statistics

	Permitted Under Existing Zoning	Proposed																				
Zoning	RT-7	CD-1																				
Site Area	1,743 sq. m (18,758 sq. ft.)	1,743 sq. m (18,758 sq. ft.)																				
Land Use	Residential	Mixed Use																				
Maximum FSR	0.6	5.8																				
Maximum Height	7.7 m (25 ft.)	56 m (184 ft.) to top of parapet																				
Floor Area	1,045.8 sq. m (11,257 sq. ft.)	10,109 sq. m (108,812 sq. ft.)																				
Unit Mix	n/a	<table border="1"> <thead> <tr> <th rowspan="2">Type</th> <th colspan="2">Market Rental (20% of Floor Area as BMR)</th> </tr> <tr> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td align="center">48</td> <td align="center">28%</td> </tr> <tr> <td>1-bed</td> <td align="center">61</td> <td align="center">36%</td> </tr> <tr> <td>2-bed</td> <td align="center">46</td> <td align="center">27%</td> </tr> <tr> <td>3-bed</td> <td align="center">15</td> <td align="center">9%</td> </tr> <tr> <td>Total</td> <td align="center">170</td> <td align="center">100%</td> </tr> </tbody> </table>	Type	Market Rental (20% of Floor Area as BMR)		Count	Percentage	Studio	48	28%	1-bed	61	36%	2-bed	46	27%	3-bed	15	9%	Total	170	100%
Type	Market Rental (20% of Floor Area as BMR)																					
	Count	Percentage																				
Studio	48	28%																				
1-bed	61	36%																				
2-bed	46	27%																				
3-bed	15	9%																				
Total	170	100%																				
Parking and Bicycle Spaces	as per Parking By-law	as per Parking By-law Confirmed at the development permit stage																				
Natural Assets	15 on-site by-law trees; one shared tree; four City trees	5 on-site trees and one shared tree for removal; four City trees to be retained; 10 new trees proposed. To be confirmed at development permit stage																				

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