



REFERRAL REPORT

Report Date: October 29, 2024
Contact: Lauren Whitney
Contact No.: 604.829.9712
RTS No.: 17607
VanRIMS No.: 08-2000-20
Meeting Date: November 12, 2024

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 Rezoning: 1365 West 12th Avenue

RECOMMENDATION TO REFER

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

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

RECOMMENDATION FOR PUBLIC HEARING

- A. THAT the application by 1343153 B.C. Ltd.¹, the registered owner of the lands located at 1365 West 12th Avenue [*Lots 17 and 18 of Block 392 District Lot 526 Plan 1276; PIDs 006-267-351 and 006-267-408*], to rezone the lands from RM-3 (Residential) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 1.0 to 6.8 and the maximum building height from 36.6 m (120 ft.) to 63.1 m (207 ft.) with additional height for the rooftop amenity, to permit the development of a 20-storey mixed-use building containing 97 rental housing units, of which 20% of the residential floor area will be secured as below-market rental units, with commercial space on the ground floor, 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;

¹ Represented by Urban Strategies Inc.

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Sea to Sky Architecture Inc., received December 22, 2022, and supplemental drawings received on July 3, 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 new CD-1, generally as set out in Appendix C, be approved.
- D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the 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 1365 West 12th Avenue from RM-3 (Residential) District to CD-1 (Comprehensive Development) District. The proposal is to permit a 20-storey mixed-use building containing 97 rental housing units, of which 20% would be secured at

below-market rents, and with commercial space on the ground floor. Staff have assessed the application and conclude that it meets the intent of the *Broadway Plan* (Plan).

Staff recommend the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to a Public Hearing and the conditions outlined 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)
- Rental Incentives Programs Bulletin (2012, last amended 2024)
- Community Amenity Contributions Policy for Rezoning (1999, last amended 2024)
- Green Buildings Policy for Rezoning (2010, last amended 2023)
- Vancouver Development Cost Levy By-law No. 9755 (2008, last amended 2023)
- Vancouver Utilities Development Cost Levy By-law No. 12183 (2008, last amended 2023)
- Urban Forest Strategy (2018)
- Latecomer Policy (2021)
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)

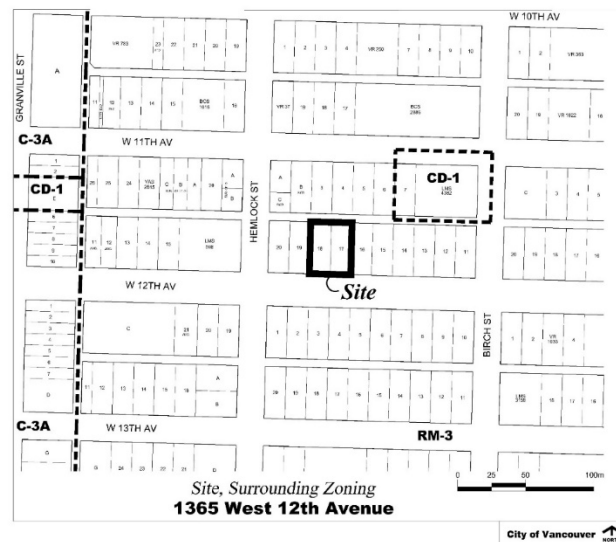
REPORT

Background/Context

1. Site and Context

The site is located on the north side of West 12th Avenue, between Hemlock and Birch Streets (Figure 1). The site area is 1,160.9 sq. m (12,496 sq. ft.), which includes a 30.5 m (100 ft.) frontage along West 12th Avenue and a lot depth of 38.1 m (125 ft.).

The existing zoning is RM-3 and the surrounding properties are primarily residential use. The site is currently occupied by a 21-unit, three-storey rental residential building constructed in 1966. Of the 19 existing tenancies, 16 are eligible under the *Tenant Relocation and Protection Policy*. There are two existing towers on this block and the site is within Tier 2 of the South Granville Station Transit-Oriented Area (TOA).

Figure 1: Location Map

Neighbourhood Amenities – The following amenities are within close proximity:

- **Parks:** Granville Park (530 m), Shaughnessy (545 m), and Granville Loop Park (690 m).
- **Community Space:** Firehall Library (250 m) and False Creek Community Centre (950 m).
- **Childcares:** L'Ecole Bilingue Kindercare and Les Grands Enfants (470 m), Family Montessori School (775 m), West Point Grey Under Three Day Care (776 m), False Creek YMCA Child Care (788 m) and Kids and Company - Vancouver West (Infant/Toddler) (935 m).

Local School Capacity – The site is located within the catchment area of Henry Hudson Elementary School and Kitsilano Secondary School. According to the Vancouver School Board (VSB)'s 2020 *Long Range Facilities Plan*, Hudson and Kitsilano will both be operating under capacity, at 72% and 96%, respectively, 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 the 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 next few years.

The site is located within the *Broadway Plan* area which is generally in alignment with the *Vancouver Plan*.

Broadway Plan (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 Fairview South – Area B (FSOB) sub-area of the Plan.

The Plan requires 45.7 m (150 ft.) of site frontage for a tower form. Development proposals with a lesser frontage may be considered at the discretion of the Director of Planning where the site has a minimum frontage of 30.2 m (99 ft.), satisfies the Plan's built form principles, and mitigates limitations on adjacent properties.

Housing Needs Report – On April 27, 2022, Council resolved at a public meeting to receive a [Housing Needs Report](#) (HNR) prepared by staff. Further to the BC Provincial government's requirement, Council must consider the most recent HNR when developing a development plan, or when amending a development plan in relation to Council's housing policies respecting affordable housing, rental housing and special needs housing. This zoning amendment would facilitate the delivery of secured rental housing including a component of below market rental units and addresses the data and findings within the HNR.

Housing Vancouver – *Housing Vancouver* focuses on the right supply of new homes, including rental, to meet the continuum of housing types. The strategy includes 10-year housing approval targets, which were updated in 2024. The new targets aim for 83,000 net new homes overall, including 35,500 purpose-built rental units (or 30,000 purpose-built market rental and 5,500 purpose-built below-market rental units). This rezoning will contribute towards targets for purpose-built market and below-market rental (BMR) 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 2 of the TOA legislation. As the Plan allows more height and density, the application is being assessed under the Plan policies.

Strategic Analysis

1. Proposal

The application proposes to rezone for a 20-storey mixed-use building (Figure 2). A total of 97 rental housing units are proposed, of which 20% of the residential floor area will be secured at below-market rents. The proposal offers ground-floor commercial space fronting onto 12th Avenue. Four levels of underground parking are provided with access from the lane.

Figure 2: View of Proposed Building from West 12th Avenue



2. Land Use

The proposed tenure and uses are consistent with the intent of the Fairview South – Area B (FSOB) sub-area of the Plan to advance the delivery of housing and neighbourhood serving commercial uses.

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

In assessing form of development and urban design performance, staff considered the built-form expectations of the Plan.

Form of Development – The proposed site frontage of 30.5 m (100 ft.) is below the Plan's minimum frontage of 45.7 m (150 ft.) that is required for a tower development. However, there is consideration for narrower frontages, given compliance with the following:

- Sites have a minimum frontage of 30.2 m (99 ft.);
- The project satisfies the Plan's built form and site design principles; and,
- The proposal reasonably mitigates development limitations on adjacent properties.

Staff provided feedback for the original submission to comply with the requirements above, for which the applicant provided supplemental drawings on July 3, 2024 (see Appendix F). The revised, supplemental drawings are generally consistent with the Plan's form of development policy for a mixed-use mid/high-rise typology including expectations for yard setbacks, tower placement, and density.

Height – The proposal complies with the Plan, which anticipates 20-storeys with an additional partial storey for rooftop amenities, and minor increase in height up to one storey considered for the delivery of community-serving retail.

Density – The Plan anticipates a maximum density of 6.5 FSR, with minor increase for the delivery of community-serving retail for a total of 6.8 FSR. The original package exceeded the Plan's expectation of 6.8 FSR whereas the supplemental drawings satisfy this density. The conditions of use under the proposed by-law CD-1 provisions further reinforce compliance with 6.8 FSR.

Setbacks – The proposal exceeds the required front yard setback of 3.7 m (12 ft.) by providing an 8.0 m (26 ft.) building setback from the front property line, both above and below grade. This widened setback meets Plan objectives and also enables the retention of two existing mature front yard trees.

The original drawing package included rear and side yard setbacks for a tower that compromised the project's contextual fit and neighbourliness. The supplemental drawings and conditions in Appendix B ensure this contextual fit remains at a future development permit stage.

Maximum Towers Permitted Per Block – The Plan limits the maximum number of towers to two per block, except for on blocks with two or more existing towers constructed prior to adoption of the Broadway Plan where one additional tower will be considered. As this block has two existing towers, a third tower can be considered under policy and this would be the third tower.

Tower Separation – The proposal demonstrates compliance with the Plan’s minimum separation of 24.4 m (80 ft) between this proposal and adjacent existing and potential residential towers as per the Plan’s current tower limits for this block.

Tower Floorplate – The proposal’s tower floorplate is below the Plan’s maximum size allowance of 604 sq. m (6,500 sq. ft.). The expected baseline for maximum floorplate size is calculated based on a minimum site frontage of 45.7 m (150 ft.). This ensures a standard ratio of built form and openness to sky. Due to the constraints of the 30.5 m (100 ft.) site frontage for this proposal, a smaller than typical tower floorplate of 445.9 sq. m (4,800 sq. ft.) can be achieved. This is considered by staff as achieving a commensurate ratio of built form and openness to sky. The smaller floorplate, however, is less efficient and approximately half the number of units of a typical tower floorplate.

Private Amenity Space – The original drawing package did not provide the appropriate amount of common indoor and outdoor amenity space. Staff have included a condition in Appendix B to ensure compliance and supplemental drawings satisfy this condition. Private outdoor space is provided in the form of private balconies for all units.

Podium – The Plan envisions a four-storey podium to create a consistent streetwall compatible with the existing residential neighbourhood character. However, due to the narrow site frontage the proposal does not include a podium, which is supported by staff.

Figure 3: Perspective of ground-level retail and public realm interface



Public Realm and Interface – The Plan envisions the public realm interface to be animated with entrances, windows, balconies and/or patio spaces to foster social interaction and active use of outdoor space. The proposal meets these objectives by providing retail space and outdoor seating at the interface (see Figure 3).

Urban Design Panel – A review by the Urban Design Panel was not required due to the addended drawing’s consistency with the Plan.

Conclusion – Staff conclude that the supplemental drawings respond to the neighbourhood feedback and objectives set forth in the Plan for built form, height and density and is appropriate for the context. Staff support the application, subject to the conditions outlined in Appendix B.

4. Housing

Housing Vancouver seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add 97 housing units, including approximately 73 market rental units and 20 below-market rental units (20% of the residential floor area), to the City’s inventory of rental housing, which would contribute to the targets set out in *Housing Vancouver* (see Figure 4).

Figure 4: Progress Towards 10 Year Housing Vancouver Targets (2024-2033) for Secured Market Rental Housing as of June 30, 2024

Housing Type	Category	10-Year Targets ^{1, 2}	Units Approved Towards Targets ³
Purpose-Built Market Rental Housing Units	Market Rental	16,000	3,087 (10%)
	Developer-Owned Below-Market Rental	4,000	353 (6%)
	Total	20,000	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.

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

Vacancy Rates – Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2023, the purpose-built apartment vacancy rate was 0.8% in Vancouver. The vacancy rate (based on the Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for South Granville/Oak, which this site is located, is 0.4%. 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 44% family units in a mix of 34% two-bedroom and 10% three-bedroom units, thereby exceeding 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 Rent and Income Thresholds – Figure 5 below 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 right-hand columns. Figure 5 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 re-indexed to 20% less the city-wide average market rent by unit type current at the time of unit turnover.

Figure 5: Below-Market Unit Average Rents, Market Rents in Newer Buildings, Cost of Ownership 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)		
	Proposed Average Unit Size	Starting Rents (2023) ¹	Average Household Income Served	Average Market Rent (CMHC, 2023) ²	Average Household Income Served	Monthly Cost of Ownership (BC Assessment 2021) ³	Average Household Income Served	Down-payment at 20%
Studio	38 sq m	\$ 1,223	\$ 48,928	\$ 1,902	\$ 76,080	\$ 2,837	\$ 113,480	\$ 106,000
1-bed	46.5 sq m	\$ 1,429	\$ 57,152	\$ 2,306	\$ 92,240	\$ 3,473	\$ 138,920	\$ 132,000
2-bed	68.5 sq m	\$ 1,969	\$ 78,752	\$ 3,372	\$ 134,880	\$ 5,193	\$ 207,720	\$ 198,400
3-bed	93 sq m	\$ 2,395	\$ 95,808	\$ 4,434	\$ 177,360	\$ 7,982	\$ 319,280	\$ 311,890

1. Starting rents shown are calculated based on a 20% discount to city-wide average market rents as published by CMHC in the October 2023 Rental Market Survey. Rents at initial occupancy will set at the same discount to city-wide average market rent current at the time of occupancy permit issuance.
2. Data from October 2023 CMHC Rental Market Survey for buildings completed in 2014 or later on the Westside of Vancouver
3. Based on the assumptions: Median of all BC Assessment strata apartment sales prices in Vancouver Westside in 2021 by unit type, 20% down-payment, 5% mortgage rate (in-line with 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 5), 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 F.

Security of Tenure – Purpose-built rental housing offers rental housing and security of tenure, unlike rented condominiums or basement suites in the secondary rental market. All 97 units in the proposal would be secured through a Housing Agreement and/or a 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. 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 21 units of primary rental housing. Of the 19 existing residential tenancies, 16 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 enhanced tenant protection requirements of the TRPP for the Plan area. The TRP is

summarised in Appendix D of this report. All residential tenancies are protected under the provincial Residential Tenancy Act.

5. Transportation and Parking

The site is well served by bus routes along West Broadway and the future Broadway Subway Granville Station, located three blocks north.

Vehicle and bicycle parking is provided on four levels of underground parking, accessed from the lane. The application proposes 66 vehicle parking spaces and 246 bicycle spaces. The applicant is required to provide transportation improvements including a boulevard and sidewalk along West 12th Avenue, speed humps in lane and upgrades to existing traffic signals. Conditions included in Appendix B require the proposal to meet the requirements of the Parking By-law at the development permit stage.

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 has submitted preliminary modelling with design and construction strategies to meet energy and emissions and embodied carbon targets in the Building By-law, a summary of resilient building measures, and 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 as possible while still meeting the challenges of development and housing priorities.

There are two on-site mature cedar trees on West 12th Avenue that are in healthy condition. A tree retention strategy was included with the proposal to preserve these two trees. This tree retention will maintain the green and leafy character of the Fairview neighbourhood and enhance the pedestrian experience. The building design allows for the preservation of both existing trees and root systems that exist underneath the permeable surfaces on the property. See Appendix B for landscape and tree conditions.

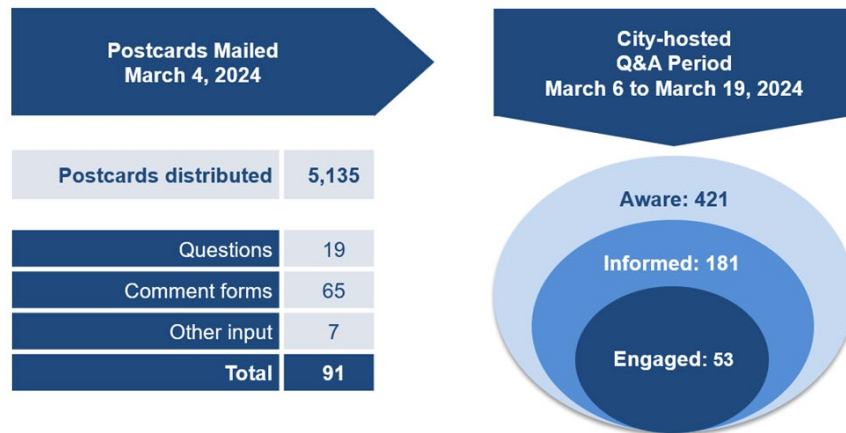
7. Public Input

Public Notification – A rezoning information sign was installed on February 22, 2024. Approximately 5,135 notification postcards were distributed within the neighbouring area on or about March 4, 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 was held from March 6 to March 19, 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.

Public Response and Comments – Public input is collected via online questions, comment forms, through email, and by phone. A total of 91 submissions were received.

Figure 6: Overview of Notification and Engagement



Below is a summary of feedback received from the public by topic.

Generally, comments of support were received regarding increasing neighbourhood density, increasing the supply of a range of housing types and tenures, with specific support for the proximity of rental housing near a variety of transit options.

Concerns were raised about the displacement of existing tenants and that the proposal is out of scale with the surrounding neighbourhood. Respondents were also concerned that the proposal would negatively affect the neighbourhood and community.

Response to Comments – The proposed height, scale, uses and proportion of below-market units are consistent with the FSOB sub-area of the Plan. Further, the proposal aligns with policy to deliver much-needed rental and below-market rental for the area and complies with the *Tenant Relocation and Protection Policy* (TRPP).

8. Public Benefits

Community Amenity Contribution (CAC) – This application is subject to a negotiated CAC under the *Community Amenity Contributions Policy for Rezoning*s. 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 no CAC is expected.

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

In accordance with the provisions of Section 3.1A(d) of the Vancouver DCL By-law the applicant has requested a 100% waiver of the City-wide DCL attributed to the residential floor area qualifying as Class A “for-profit affordable rental housing”. Class A means rental housing where a minimum 20% of the residential floor area is secured as below-market rental units with maximum average rents for each type of unit that do not exceed the rates set out in the DCL By-laws.

Based on rates in effect as of September 30, 2024 and the proposed 7,545.9 sq. m (81,223 sq. ft.) of residential, the value of the DCL waiver for the residential floor area is estimated to be \$1,918,243. The value of the Utilities DCL for the proposed residential floor area is estimated to

be \$1,201,986. Compliance with DCL waiver requirements will continue to be assessed through the development permit stage up to occupancy permit issuance at which point the applicant will be required to submit a rent roll that sets out the initial monthly rents for each unit.

The DCLs on the proposed 348.3 sq. m (3,749 sq. ft.) of commercial floor area cannot be waived, and are estimated to be \$116,283. DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time.

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

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

Financial Implications

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

CONCLUSION

The proposed land use, height, and density are consistent with the intent of the Plan. If approved, this application would contribute 97 rental residential units to the City's rental housing stock, with 20% of the residential floor area secured at below-market rents.

Staff recommend the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it, subject to a Public Hearing and the conditions outlined in Appendix B.

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**1365 West 12th 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) Cultural and Recreational Uses;
 - (b) Dwelling Uses, limited to Mixed-use Residential Building;
 - (c) Institutional Uses;

- (d) Live-Work Use;
- (e) Manufacturing Uses;
- (f) Office Uses;
- (g) Retail Uses;
- (h) Service Uses;
- (i) Utility and Communication Uses; and
- (j) 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 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
 - (a) have 2 or more bedrooms, of which:
 - (i) at least 25% of the total dwelling units must be 2-bedroom units, and
 - (ii) at least 10% of the total dwelling units must be 3-bedroom units.
- 5.3 No portion of the first storey of a building, to a depth of 10.7 m from the front wall of the building and extending across its full width, may be used for residential purposes except for entrances to the residential portion.
- 5.4 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building, other than the following:
 - (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 1,160.9 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 6.8.
- 6.3 A minimum floor area of 136.4 m² is required for commercial uses.
- 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 12% of the permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
 - (c) floors or portions thereof that are used for:
 - (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,
 - (ii) bicycle storage, and
 - (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;
 - (d) entries, porches and verandahs if the Director of Planning first approves the design;
 - (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 sq. m 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 63.1 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 portions of the building with the permitted common rooftop amenity space or mechanical appurtenances must not exceed 65.1 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; or
 - (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.

**1365 West 12th 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 Urban Strategies Inc., received December 19, 2022 and supplemental drawings received July 3, 2024 and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

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

Urban Design

- 1.1 Design development to build upon the contextual fit, expand the public realm, and ensure neighbourliness by providing the tower setbacks as follows:
- (a) Provide a minimum tower setback of 12.2 m (40 ft.) setback from the centre of the lane, and
 - (b) Provide a minimum tower setback of 4.6 m (15 ft.) from the side property line.

Note to Applicant: Supplemental drawings submitted on July 3, 2024 (Appendix F) satisfy this condition.

- 1.2 Design development to provide a more functional and appropriately sized indoor and outdoor amenity space.

Note to Applicant: Refer to the *High-Density Housing for Families with Children Guidelines*. The Guideline objective for common open space includes provision of appropriate open space to meet the needs of on-site children and adults. Staff recommend providing the minimum of 2.0 sq. m (22 sq. ft.) per unit of common outdoor amenity, 1.2 sq. m (13 sq. ft.) per unit of common indoor amenity, and co-locating these areas to maximize functionality. Refer to Housing condition 1.10. Supplemental drawings submitted on July 3, 2024 (Appendix F) satisfy this condition.

Landscape

- 1.3 Provision of revised Arborist and Landscape documents to ensure safe retention of trees #2, #3 and #4.

- (a) Arborist and Landscape documents to be revised and coordinated with the most recent architectural and development plans. Ensuring coordination between landscape and arborist documents with respect to tree protection barriers, arborist supervision notes, and other critical tree retention items.
- (b) Plans and sections note and show the existing retaining wall from the current structure. Arborist documents should provide comments to address this existing condition, and confirm if this existing wall can be removed, or if it must remain in place. Should this portion of wall be required to remain for tree retention purposes, this is to be noted on all consultant plans.
- (c) Arborist documents to include details and comments on demolition, shoring, and excavation timelines, and mitigation measures to demonstrate successful retention of Trees #3 and #4.
- (d) Tree management plan to be prepared with architectural plans and survey as underlays in order to accurately represent tree locations, retention notes, and the proposed development. Tree protection barriers are to be clearly shown and dimensioned.
- (e) Areas requiring arborist supervision, and any critical arborist notes regarding retention of Trees #2, #3 and 4 (demolition, shoring, excavation notes, etc...) should be clearly shown and noted on tree management, and landscape plans.
- (f) Extent of floating permeable slab to be confirmed and coordinated on all consultant drawings.

Conditions required at time of development permit:

- 1.4 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.

- 1.5 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.

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

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

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

<http://council.vancouver.ca/20150120/documents/rr1attachmentB.pdf>
<http://council.vancouver.ca/20150120/documents/rr1attachmentC.pdf>

- 1.8 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

- 1.9 The proposed unit mix, including seven studio units (7%), 47 one-bedroom units (48%), 33 two-bedroom units (34%) and 10 three-bedroom units (10%) are to be included in the development permit drawings.

Note to Applicant: Changes in the unit mix from the rezoning application can be varied under the discretion of the Director of Planning or Development Permit Board, provided that the unit mix 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, per the *Broadway Plan*.

- 1.10 The development should be designed in accordance with the *High-Density Housing for Families with Children Guidelines*, including the provision of:
- (a) an outdoor amenity area to include areas suitable for a range of children's play activities and urban agriculture appropriate in size for the scale of the project and situated to maximize sunlight access (S. 3.3.2, 3.4.3);
 - (b) a minimum of 2.3 sq. m (25 sq. ft.) of bulk storage for each dwelling unit (S. 4.4.2);
 - (c) a multi-purpose indoor amenity space appropriate in size for the scale of the project, with a wheelchair accessible washroom and kitchenette. Consider positioning this adjacent to the children's play area to enable parental supervision from the amenity room (S. 3.7.3); and

(d) a balcony for each unit with 1.8 m (6 ft.) by 2.7 m (9 ft.) minimum dimensions (S. 4.3.2).

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

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

Sustainability

- 1.12 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

- 1.13 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>

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

- 1.14 Submission 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.

- 1.15 Confirmation 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>

- 1.16 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.
- 1.17 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.
- 1.18 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. 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 \(vancouver.ca\)](#)

- 1.19 Ensure Submission to Engineering of an updated landscape plan reflecting all the public realm changes, including demonstration of:
 - a) display of the following note(s):
 - (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. 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. Call Park Board 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) deletion of:
 - (i) all new door swings that swing onto City property;

Note to Applicant: Door swing is not to exceed the allowable limits of a foot into City property. L-2 of the landscape plan shows a door swing entirely in the lane.

- (ii) encroaching features shown within City lane on landscape drawing sheets L-1 and L-4; and
 - (iii) railing encroachments from City boulevard.

Note to Applicant: Where a design detail is not available, make note of the improvement on the plan. Public realm changes include all the 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 construction and design manuals.

1.20 Improve access and design of loading spaces:

- a) confirmation that the slope of the loading bay does not exceed 5%;
- b) provision of a standard widened loading throat to facilitate manoeuvring;
- c) provision of Class B loading spaces with compliant dimensions; and
- d) provision of a clear unloading area or raised rear dock, minimum 1.8 m (6 ft.) wide, with suitable access to facilitate goods loading /unloading.

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

- 1.21 Design development to improve the parkade layout and access design and demonstrate compliance with the Parking and Loading Design Supplement to the satisfaction of the General Manager of Engineering Services:
- a) confirmation that the drive aisle gate is a minimum 6.1 m (20 ft.) wide; and
 - b) provision of 6.6 m (22 ft.) manoeuvring aisles; or provide 2.75 m (9 ft.) stall width for standard spaces of a 6.1 m (20 ft.) manoeuvring aisle.
- 1.22 Provision of bicycle spaces, per Parking By-law Section 6, including:
- a) minimum 1.2 m (4 ft.) wide stair-free access route(s) between the spaces and the outside.
- 1.23 Provision of passenger space(s), per Parking By-law Section 7 and the Design Supplement, including:
- a) provision of passenger spaces located fully on private property with compliant dimensions and access.
- 1.24 Provision of a Transportation Demand Management (TDM) Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Amendments to the Transportation Demand Management (TDM) Administrative Bulletin were approved by Council on November 15, 2023. New requirements came into effect January 1, 2024 and apply to all development permits received after this date.

- 1.25 Provision of the following information as part of the architectural drawing submission at the Development Permit stage to facilitate a complete Transportation review:
- a) all types of parking and loading spaces individually numbered, dimensioned, and labelled;
 - b) dimension of any/all column encroachments into parking stalls;
 - c) dimensions of additional setbacks for parking spaces due to columns and walls;
 - d) dimensions of maneuvering aisles and the drive aisles at the parkade entrance and all gates;
 - e) section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and security gates;
- Note to Applicant: These clearances must consider mechanical projections and built obstructions.
- f) areas of minimum vertical clearances labelled on parking levels;

- g) design elevations on both sides of the ramps and drive aisles at all breakpoints, loading bays, accessible spaces, and at all entrances;

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

- h) indication of the stair-free access route from the Class A bicycle spaces to reach the outside; and
- i) the location of all poles and guy wires to be shown on the site plan.

- 1.26 This development will be required to provide 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.

- 1.27 Provision of the Developer's Engineer to submit a sewer abandonment plan to the City that details the following:

- a) The abandonment or removal of all existing storm, sanitary, and combined connections to the development site.
- b) The abandonment or removal of all existing storm, sanitary, and combined sewer mains that are no longer in use due to the development of the site.

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

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

- 1.29 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>.

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

Note to Applicant: 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.

Refer to Key Plan Process and Requirements Bulletin:

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

- 1.30 Show all City supplied building grades on the architectural and landscape plans, and when providing additional property line elevations for proposed entrances, interpolate a continuous grade between the elevations provided on the City supplied building grade plan.

Note to Applicant: For further information contact Streets.Design@vancouver.ca and follow the link to the City web page <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(s) shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, the General Manager of Engineering Services and the General Manager of Arts, Culture and Community Services (or successors in function), as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

- 2.1 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for consolidation lots 17 and 18, Block 392, District Lot 526, Plan VAP1276 to create a single parcel.

- 2.2 Provision of a natural watercourse agreement.

Note to Applicant: Records indicate a natural watercourse passes through this site. A legal agreement ensuring that should the watercourse be discovered or impact the site during development and beyond that its flow will not be obstructed.

- 2.3 Provision of a Services Agreement to detail the on- and off-site works and services necessary or incidental to the servicing of the Rezoning Site (collectively called the "Services") such that they are designed, constructed and installed at no cost to the City and all necessary street dedications and rights-of-way for the Services are provided all to the satisfaction of the General Manager of Engineering Services. No development permit for the Rezoning Site, or any portion thereof, or for any building or improvements

thereon will be issued until the letter of credit, as security for the Services, is provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. Except as explicitly provided for in Condition 2.4(a) the Services are not excess and/or extended services and the applicant is not entitled to a Latecomer Agreement.

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

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

Note to Applicant: Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by CIMA Canada Inc. dated September 28, 2022, 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 300mm.

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.

As per the City of Vancouver Building Bylaw, the principal entrance must be within 90 m (269 ft.) of a fire hydrant. Should the final design of the building change such that this requirement is no longer satisfied, provision of a new hydrant to be installed in accordance to the aforementioned bylaw will be required. The developer is responsible for 100% of the cost of this upgrade.

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

Note to Applicant: No sewer upgrades required. The development is to be serviced to the existing 375 mm COMB sewers in W 12th Ave.

- (c) Provision of street improvements, and appropriate transitions, along W 12th Ave. adjacent to the site, including:

- (i) minimum 1.2 m (4 ft.) wide front boulevard; and
- (ii) 2.4 m (8 ft.) wide broom finish saw-cut concrete sidewalk which may be narrower if/as required for retention of the two large existing cedar trees.

- (d) Provision of full-depth lane reconstruction along the development site's frontage with a centre-valley cross section per City "Higher-Zoned Lane" specifications, complete with one new catch basin at the eastern end.

Note to Applicant: A new storm main extension will be required in the lane to connect the catch basin.

- (e) Provision of speed humps in the lane north of West 12th Avenue between Hemlock Street and Birch Street.
- (f) Provision of improvements at the intersection of Hemlock Street and West 12th Avenue including:
 - (i) upgrades to the existing traffic signal including accessible pedestrian signals (APS).

Note to Applicant: These works constitute excess and/or extended services and will be subject to a latecomer agreement, to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services.

- (g) Provision of upgraded street lighting (roadway and sidewalk) adjacent to the site and existing lane lighting to current City standards and IESNA recommendations.
- (h) Provision of Birch Street/West 12th Avenue entire intersection street lighting upgrade to current City standards and IESNA recommendations.
- (i) 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 and connect to existing electrical and communication infrastructure.

Note to Applicant: The detailed Electrical Design will be required prior to the start of any associated electrical work to the satisfaction of the General Manager of Engineering Services, and, in conformance with current City Engineering Design Manual, Construction Specifications, Standard Detail Drawing, Canadian Electrical Code and the Master Municipal Construction Documents.

Submission of the detailed Electrical Design does not occur until the rezoning has been enacted and a City Project Coordinator is assigned to the project.

- (j) 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' long and 18" deep, centre on each street tree adjacent to the sidewalk and any off-street bike facility.

- (k) Provision for the installation of parking regulatory signage on streets adjacent to the site to the satisfaction of the General Manager of Engineering Services.

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

- (a) Hemlock Street and West 12th Avenue. intersection upgrades to the existing traffic signal including accessible pedestrian signals (APS) per condition 2.f.

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

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

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

Housing

2.5 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 dwelling 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 dwelling 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 dwelling 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 dwelling 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 dwelling 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 housing dwelling units every five (5) years after initial occupancy:
 - (i) For such tenants, annual household income cannot exceed five 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 dwelling 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 dwelling 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 to Applicant: 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.

- 2.6 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 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 tenant summarizing the Tenant Relocation Plan offer and signed as received by each 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 whether each tenant has indicated interest in the Right of First Refusal to return to the new building (if applicable); 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 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.

Note to Applicant: 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 taken up the Right of First Refusal in the new building (if applicable) and their starting rent; and for those not returning to the new building, the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.

Environmental Contamination

2.7 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 to Applicant: Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws 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.

* * * * *

1365 West 12th Avenue
PROPOSED CONSEQUENTIAL BY-LAW AMENDMENTS

DRAFT AMENDMENT TO THE SIGN BY-LAW NO. 11879

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

“1365 West 12th Avenue [CD-1 #] [By-law #] C-2”

DRAFT AMENDMENT TO THE NOISE CONTROL BY-LAW NO. 6555

Council amends Schedule B (Intermediate Zone) by adding the following:

“[CD-1#] [By-law #] 1365 West 12th Avenue”

* * * * *

1365 W 12th 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"> • Financial 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 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. <p>Or:</p> <ul style="list-style-type: none"> • A one-time lump sum rent top-up payment, equivalent to the estimated value of a rent top-up for 36 months (3 years).
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"> • The applicant has distributed tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • The 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"> • The applicant is partnering with a property manager to assist existing tenants with finding alternate accommodation. • For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, 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

1365 West 12th Avenue
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

	Date	Results
Event		
Question and Answer Period (City-led)	March 6, 2024 – March 19, 2024	421 participants (aware)* <ul style="list-style-type: none"> • 181 informed • 53 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	March 4, 2024	5,135 notices mailed
Public Responses		
Online questions	March 6, 2024 – March 19, 2024	19 submittals
Online comment forms <ul style="list-style-type: none"> • Shape Your City platform 	February 2024 – July, 2024	65 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	February 2024 – July, 2024	65 submittals <ul style="list-style-type: none"> • 22 responses • 34 responses • 9 responses
Other input	February 2024 – July, 2024	7 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	February 2024 – July, 2024	1,292 participants (aware)* <ul style="list-style-type: none"> • 512 informed • 77 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



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:

- **Density:** This development adds much-needed density to the neighborhood.
- **Housing:** The proposed development will increase the supply of a mixed range of housing, with specific support for rental housing.
- **Location:** The development is supported given its location in close proximity to a variety of transit options.

Generally, comments of concern fell within the following areas:

- **Displacement:** Residents are concerned about the displacement of existing tenants and the community.
- **Height:** The proposed development be too tall for the area and is out of scale with the surrounding neighbourhood.
- **Neighbourhood:** There are concerns that the proposed development will negatively affect the neighbourhood and community.

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

General comments of support:

- The development adds much needed affordable and below-market rental housing

options to the neighbourhood.

- The provision of commercial and retail space supported. Preference for a coffee shop, convenience store, or grocery shop was indicated.
- This development will assist in addressing the housing and affordability crisis.
- Development is supported in this location given proximity to amenities and retail.

General comments of concern:

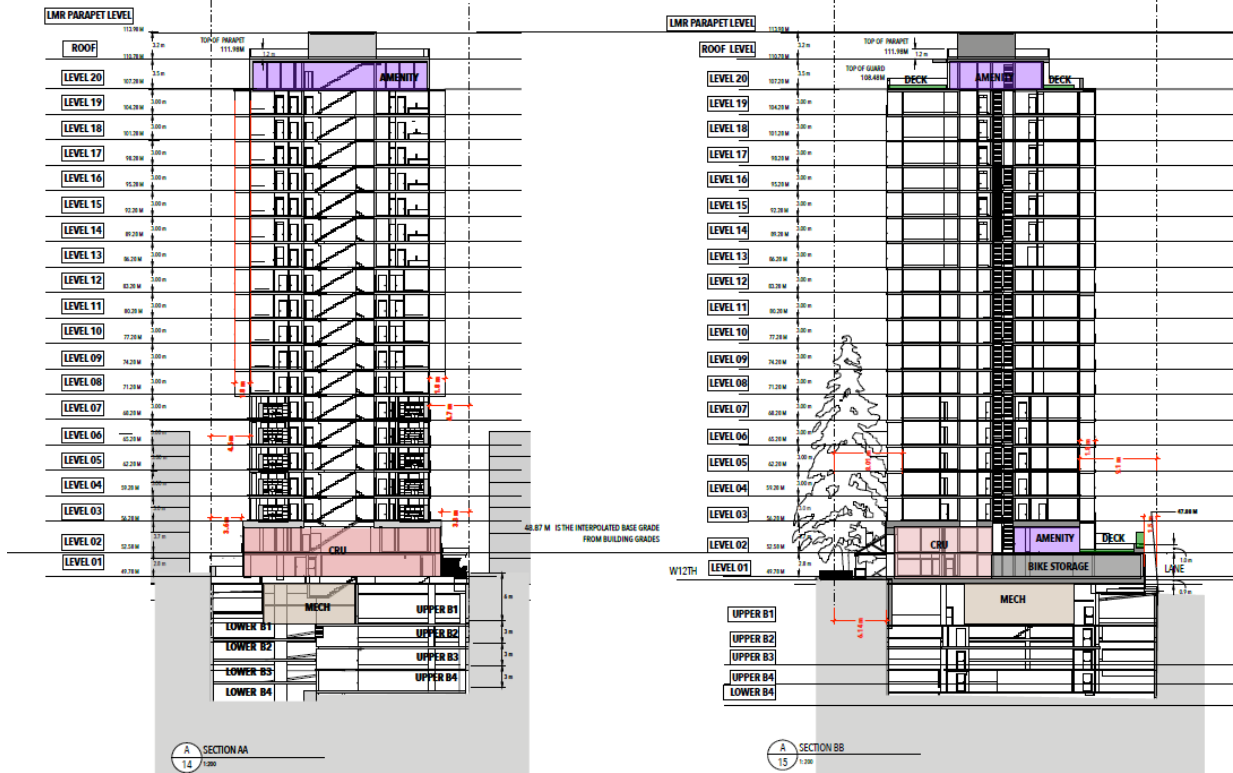
- Concerns that construction for the development will have negative impacts on neighbours and the local area and will be particularly disruptive for residents who work from home.
- Concerns were expressed that the housing will not be affordable, and that an insufficient amount of below-market rental units has been provided.
- The development will negatively affect traffic in the area.
- An insufficient amount of parking has been provided, and parking in the surrounding area will worsen.

Neutral comments/suggestions/recommendations:

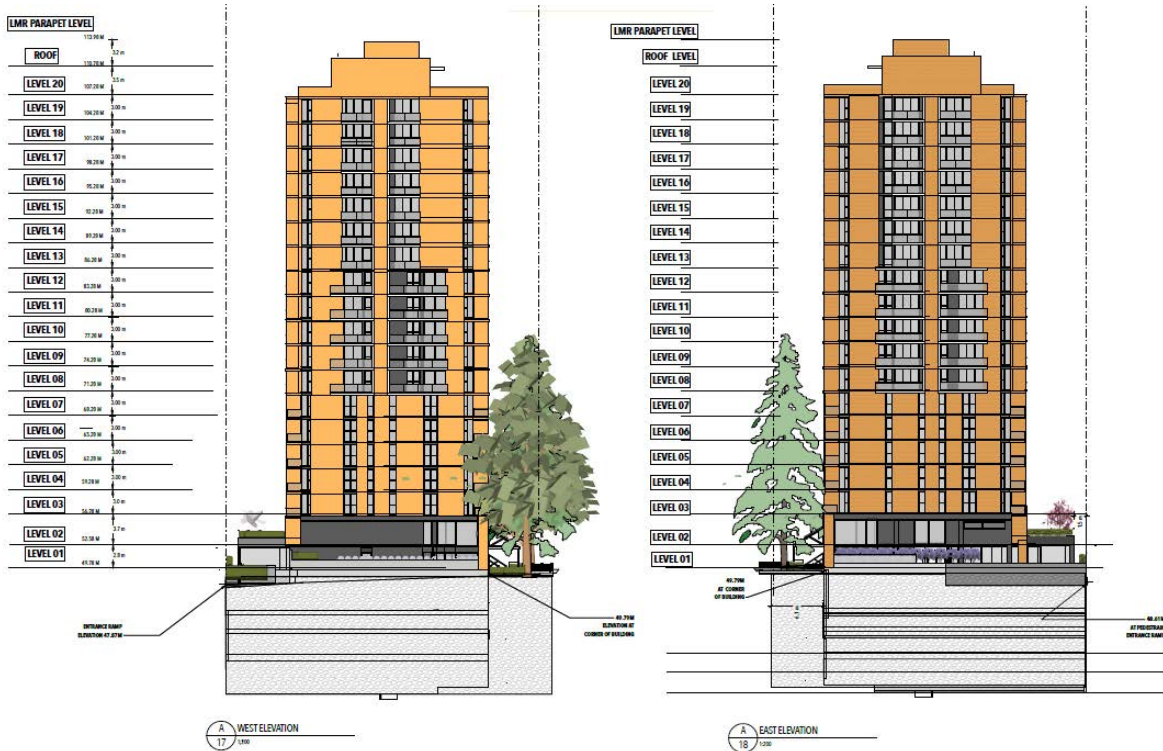
- Additional height should be considered, given proximity to transit.
- A Public Hearing should be required for this application.
- The application should not have to be submitted to Urban Design Panel for review.
- The development should be a maximum height of 10 storeys.
- The lot size for a development of this size should be a minimum of 45.7 m (150 ft.) wide.

* * * * *

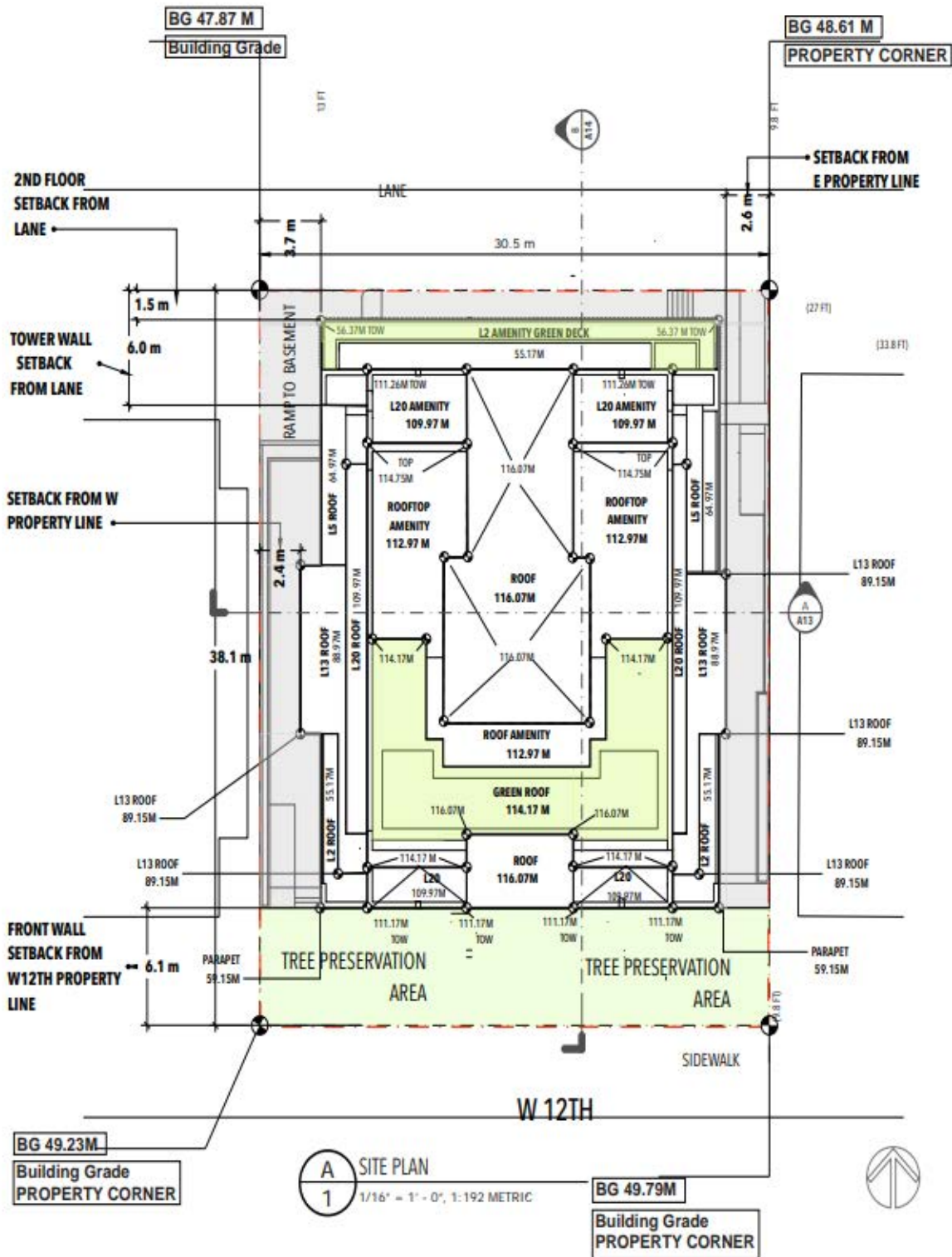
Section (AA – East West and BB – North South)



Elevation (West and East)



Site Plan (Based on Original Submission Drawings)



Original Submission Section (AA – East West and BB – North South)



Original Submission Elevation (West and East)



Figure 23. West elevation

Figure 24. East elevation

1365 West 12th Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

A 20-storey mixed-use building with 97 rental housing units, of which 20% of the residential floor area are at below-market rents, and commercial uses.

Public Benefit Summary:

A total of 97 rental housing units, of which 20% of the residential floor area is at below-market rates, secured with a Housing Agreement for the greater of 60 years and the life of the building.

	Current Zoning	Proposed Zoning
Zoning District	RM-3	CD-1
Floor Space Ratio (site area = 1,160.9 sq. m (12,495.8 sq. ft.))	1.0	6.8
Floor Area	1,160.9 sq. m (12,496 sq. ft.)	7,894.1 sq. m (84,973 sq. ft.)
Land Use	Residential	Mixed Use

Summary of Development Contributions Expected under Proposed Zoning

City-Wide DCL ^{1,2}	\$88,541
City-Wide Utilities DCL ¹	\$1,229,728
Total	\$1,318,269

Other benefits (non-quantified): 97 secured 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 by-laws are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection, see the City's [DCL Bulletin](#) for details.

² This application has requested and is expected to be eligible for a Class A (100%) waiver of the City-wide DCLs applicable to the residential portion of the building. The value of the anticipated City-wide DCL waiver is estimated at \$1,918,243. The application is therefore subject to the maximum average starting rents by unit type applicable to "class A for-profit affordable rental housing" as per the Bylaw. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance.

* * * * *

**1365 West 12th Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION**

PROPERTY INFORMATION

Street Address	Parcel Identifier (PID)	Legal Description
1365 West 12th Avenue	PID 006-267-351 and PID 006-267-408	Lots 17 and 18 of Block 392 District Lot 526 Plan 1276

APPLICANT INFORMATION

Applicant	Urban Strategies Inc.
Architect	Sea to Sky Architecture Inc.
Property Owner	1343153 BC Limited

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	RM-3	CD-1
Uses	Residential	Mixed-Use Residential/Commercial
Maximum FSR	1.0	6.8
Floor Area	1,160.9 sq. m (12,496 sq. ft.)	7,894.1 sq. m (84,973 sq. ft.)
Maximum Height	36.6 m (120 ft.)	63.1 m (207 ft.) and the height of permitted mechanical appurtenances must not exceed 65.1 m (214 ft.)
Parking, Loading and Bicycle Spaces	Per Parking By-law	Per Parking By-law
Natural Assets	3 existing on-site by-law trees; 2 City trees; 3 neighbouring trees	Retention of 2 on-site by-law trees and 1 neighbouring tree; additional retention strategy confirmed at development permit stage

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