



REFERRAL REPORT

Report Date: May 20, 2025
Contact: Austin Norrie
Contact No.: 604-871-6034
RTS No.: 17976
VanRIMS No.: 08-2000-20
Meeting Date: June 3, 2025

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 254 East 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 JTA Development Consultants, on behalf of 254 E 12th Holdings Ltd., the registered owner of the lands located at 254 East 12th Avenue [*The East 38 feet of Lot 5, and Lots 6 and 7, Except Part in Explanatory Plan VAP20548 Block 114 District Lot 301 Plan 187; PIDs 015-612-929, 015-612-945 and 015-612-970 respectively*], to rezone the above properties from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.75 to 6.80 and the maximum building height from 10.7 m (35 ft.) to 59.4 m (195 ft.) with additional height for the portion of the rooftop amenity, to permit the development of an 18-storey mixed-use rental building with 20% of the residential floor area for below-market rental units, and commercial use 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;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Studio One Architecture Inc., on behalf of JTA

Development Consultants, received March 28, 2024 and supplemental plans received November 21, 2024;

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 the 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 254 East 12th Avenue from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, under the *Broadway Plan* (Plan). The proposal is to permit an 18-storey mixed-use rental building containing 145 units, with 20% of the residential floor area for below-market rental units, and commercial space on the ground floor.

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, last amended 2024)
- Interim Housing Needs Report (2025)
- 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)
- Community Amenity Contributions Policy for Rezoning Projects (1999, last amended 2024)
- Green Buildings Policy for Rezoning Projects (2010, last amended 2024)
- Tenant Relocation and Protection Policy (2015, last amended 2019)
- 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)
- Public Art Policy and Procedures for Rezoned Developments (2014)
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)
- Latecomer Policy (2021)

REPORT

Background/Context

1. Site and Context

The site is located mid-block along the southside of East 12th Avenue between Watson and Sophia Streets in the Mount Pleasant neighbourhood (see Figure 1). The total site area is 1,489 sq. m (16,027 sq. ft.), with a frontage of 41.8 m (137 ft.) along East 12th Avenue and a depth of 35.6 m (117 ft.). There is a lane to the south of the site. The site currently consists of a three-storey apartment building from 1969 with 35 rental units. At the time of application, 31 of the 35 units were tenanted with residential tenants. The City's *Tenant Relocation and Protection Policy* (TRPP) applies.

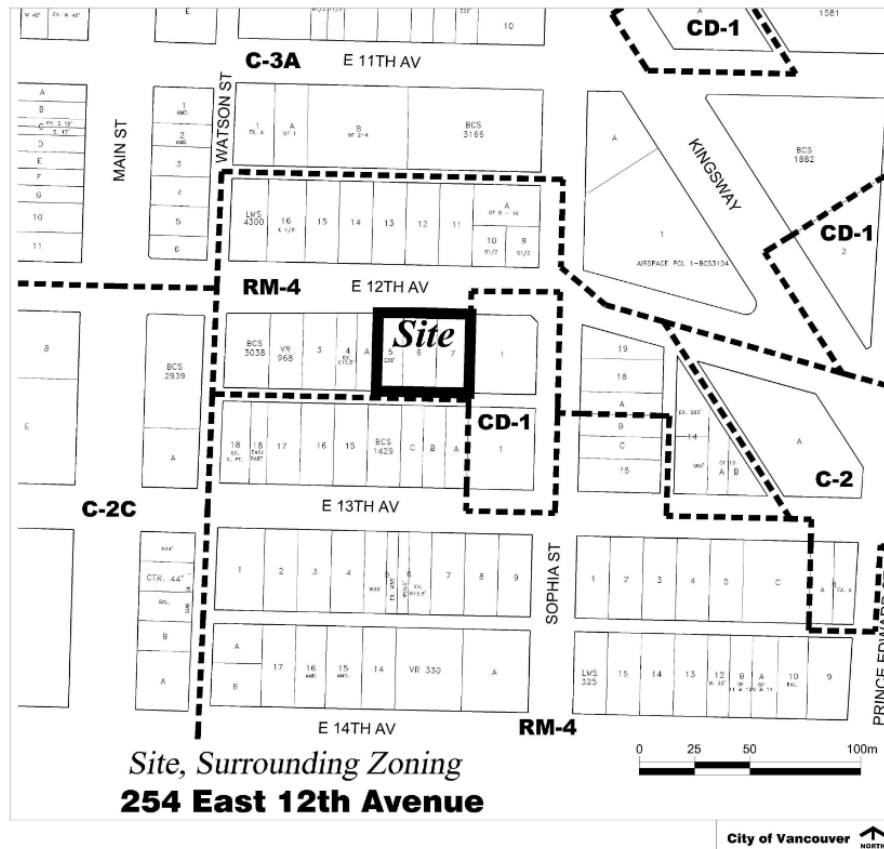
The surrounding area contains a mix of uses including residential and commercial with the Main Street Village area one block to the west. A seniors supportive and independent living housing facility is located immediately west of the subject site. The neighbourhood is undergoing significant change with future redevelopment of the Plan, as well as with the extension of Skytrain. The future Broadway Subway Mount Pleasant Station is three blocks to the north.

Neighbourhood Amenities – The following public and non-profit amenities are within close proximity:

- **Parks:** Tea Swamp Park (265 m), Guelph Park (450 m), Robson Park (450 m), Mount Pleasant Park (500 m), and Jonathan Rogers Park (685 m).

- **Cultural/Community Spaces:** Heritage Hall (285 m), Mount Pleasant Community Centre and Library (400 m), Cambrian Hall (415 m), Mount Pleasant Neighbourhood House (900 m), and Little Mountain Neighbourhood House (1.1 km).
- **Childcare:** St. Michael's Church Daycare Centre (360 m), Mount Pleasant Community Centre Association (410 m), Tenth Avenue Alliance Wee Care Day Care Centre (475 m), Sunshine Corner Day Care (515 m), and Mount Pleasant Child Care (900 m).

Figure 1: Location Map



Local School Capacity – The site is located within the catchment of Nightingale Elementary School and Tupper Secondary School. According to the Vancouver School Board (VSB)'s *2020 Long Range Facilities Plan*, Nightingale Elementary School will be operating at 77% capacity by 2031, while Tupper Secondary School will also be under capacity, operating at 67% 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

Broadway Plan (2022) – The *Broadway Plan* (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 Mount Pleasant South Apartment – Area A (MSAA) sub-area of the Plan. The Plan allows consideration of 20-storey rental housing towers up to 6.5 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 ground-level commercial or private childcare.

Vancouver Plan (2022) – 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 next few years.

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

City-initiated zoning changes (rezoning) in areas of Broadway and Cambie Corridor Plan - City staff are currently working on City-initiated zoning amendments for certain areas of Broadway and Cambie Corridor. This initiative aims to standardize regulations and simplify the development process through new zoning district schedules. A referral report outlining proposed zoning amendments is expected to be brought to Council in 2025.

The site is located within the proposed City-initiated rezoning area of the *Broadway Plan*. However, the consideration of these proposed zoning amendments does not prevent the current application from proceeding through a CD-1 rezoning process.

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 Two of the TOA legislation. As the Plan allows more height and density, the application is being assessed under the *Broadway Plan* policies.

Interim Housing Needs Report (2025) – Provincial legislation requires Council to receive and consider regular Housing Needs Reports when creating or amending a development plan in relation to Council's housing policies on affordable, rental and special needs housing. The most recent report amendment was received on January 1, 2025.

Housing Vancouver Strategy (2017) – 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 target aims 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 housing units.

Strategic Analysis

1. Proposal

The rezoning application proposes a mixed-use rental building containing 145 units with 20% of the residential floor area for below-market rental units, and commercial use on the ground floor. This proposed building has a building height of 59.4 m (195 ft.) with additional height for rooftop amenity, and an overall maximum density of 6.8 FSR. The proposal includes underground vehicle and bicycle parking, accessed from the rear lane.

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)

Form of Development – The proposed three-storey podium and 18-storey tower is generally consistent with the Plan's form of development policy for a mixed-use mid/high-rise typology for height, density, common indoor and outdoor amenity, private open space, and public realm interface (see Figure 2).

Due to contextual factors, including a narrow site frontage and the relationship to the existing private senior's care facility to the east, staff provided feedback to improve the tower and podium location as proposed in the original submission. The applicant provided supplemental drawings on November 21, 2024 (see Appendix D) which demonstrated an improved interface to the east neighbour.

Figure 2: Aerial view from northeast



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 proposal complies with the Plan which anticipates a maximum density of 6.5 FSR. Retail is proposed at-grade, and as per the Plan, minor increases in density (up to 6.8 FSR) have been considered for the delivery of community-serving retail.

Site Frontage and Tower Location – The proposed site frontage of 41.8 m (137 ft.) is below the frontage of 45.7 m (150 ft.) required for a tower development. There is consideration within the Plan for narrower frontages, provided the proposal reasonably mitigates impacts to its neighbours.

The original drawing package included side yard setbacks and a tower location that compromised the relationship to the easterly neighbour, an existing private senior's care facility. Staff recommendations included shifting the tower and podium to the west to improve livability and reduce overlook, noting the site to the west is not anticipated as a potential tower site. The supplemental drawings and conditions in Appendix B ensure a sensitive interface remains at a future development permit stage.

Urban Design Panel – A review by the Urban Design Panel was not required due to the addended drawings' consistency with the Plan.

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

4. Housing

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add approximately 145 housing units, including 116 market rental units and approximately 29 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 the *Housing Vancouver Strategy* (see Figure 3).

Figure 3: Progress Towards 10 Year Housing Vancouver Targets (2024-2033) for Secured Market Rental Housing as of December 31, 2024

Housing Type	Category	10-year Targets ¹	Units Approved Towards Targets ²
Purpose-Built Market Rental Units²	Market Rental	30,000	5,633 (19%)
	Developer-Owned Below Market Rental	5,500	768 (14%)
	Total	35,500	6,401 (18%)

1. New 10-year targets were adopted in 2024, with tracking starting from January 1st, 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 31st, 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 2024, the purpose-built apartment vacancy rate was 1.6% in Vancouver. The vacancy rate (based on the Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the Mount Pleasant/Renfrew Heights area, where this site is located, was 1.9%. 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 36% family units in a mix of 26% two-bedroom and 10% three-bedroom units overall. In the below-market rental portion, the application proposes eight (28%) two-bedroom units and three (10%) three-bedroom units, thereby meeting this policy for the below-market rental units.

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 below shows starting rents for below-market rental units for 2025, average market rents and incomes served for newer rental buildings on the eastside, and costs for home ownership. This table 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 4 – Below-Market Unit Average Rents, Market Rents in Newer Buildings, Cost of Ownership and Household Incomes Served

Unit Type	Proposed Average Unit Size	Below-Market Rental Units		Newer Rental Buildings Eastside		Monthly Costs of Ownership for Median-Priced Apartment – Eastside (with 20% down payment)		
		2025 Starting Rents ¹	Average Household Income Served ⁴	Average Market Rent (CMHC, ²	Average Household Income Served ⁴	Monthly Cost of Ownership ³	Average Household Income Served ⁴	Down-payment at 20% ³
Studio	365 sq. ft.	\$1,294	\$51,776	\$1,776	\$71,040	\$2,200	\$88,000	\$79,550
1-bed	451 sq. ft.	\$1,470	\$58,784	\$2,116	\$84,640	\$2,885	\$115,400	\$108,000
2-bed	698 sq. ft.	\$2,052	\$82,080	\$2,839	\$113,560	\$3,809	\$152,360	\$141,300
3-bed	815 sq. ft.	\$2,819	\$112,768	\$3,245	\$129,800	\$5,565	\$222,600	\$213,000

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 2024 Rental MarketReport and set in the Rental Incentive Programs Bulletin for the year 2025.

2. Data from October 2023 CMHC Rental Market Survey for buildings completed in 2014 or later on the Eastside.

3. Based on the assumptions: Median of all BC Assessment strata apartment sales prices in Vancouver Eastside 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).

4. Incomes are estimated based on rents or monthly ownership costs at 30% of income.

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 that apply under the *Secured Rental Policy*, 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 145 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 35 units of primary rental housing. Of the 31 existing residential tenancies, 30 are eligible under the City's *Tenant Relocation and Protection Policy* (TRPP) for the *Broadway Plan* area. Four of the residential units were vacant at the time of rezoning application.

The applicant has provided a Tenant Relocation Plan (TRP) for eligible tenants which, when completed, will meet the enhanced tenant protection requirements of the City's TRPP for the Broadway Plan area. The TRP is summarized in Appendix E of this report.

The existing residential tenancies are governed by the Residential Tenancy Act (British Columbia).

5. Parking and Transportation

The site is well served by transit and is located within 100 m of local and rapid bus routes, and 325 m of the future Mount Pleasant SkyTrain Station. The site is also in close proximity to the East 10th Avenue bikeway to the north.

Vehicle and bicycle parking is provided on three levels of underground parking, accessed from the lane. The application proposes 74 vehicle parking spaces and 369 bicycle spaces. Conditions included in Appendix B require the proposal meet the requirements of the Parking By-law.

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 stated within the Policy. The applicant has submitted preliminary modelling strategies to meet anticipated energy and emissions and embodied carbon targets in Vancouver Building By-law, a summary of the resilient building measures considered for the application, 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 five existing street trees along East 12th Avenue as well as one off-site tree and one on-site tree with 16 new on-site trees proposed. There are 11 on-site trees proposed for removal due to poor condition and conflict with the building footprint.

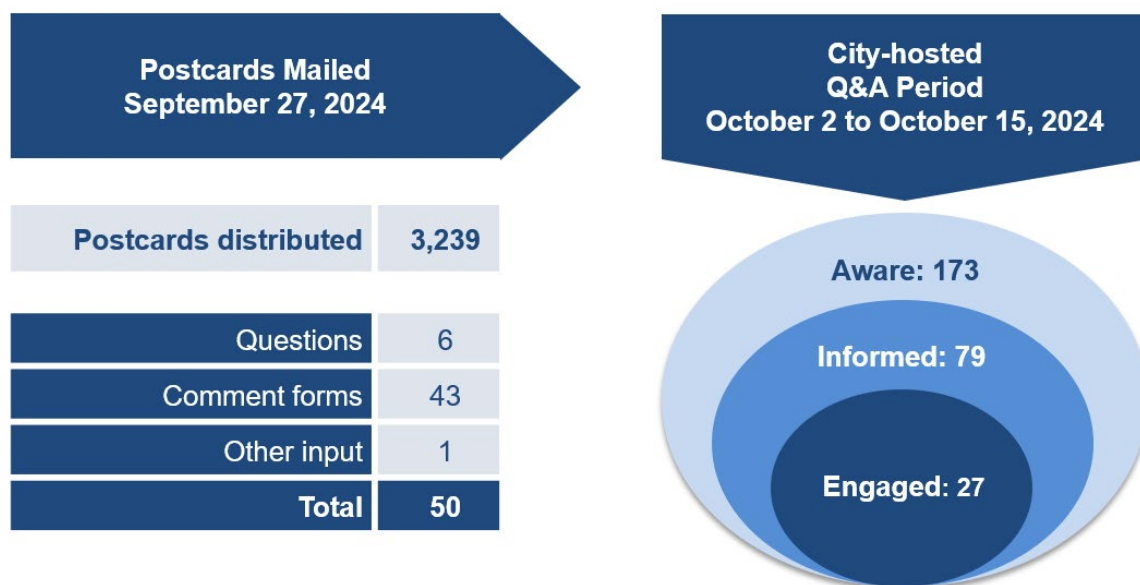
7. Public Input

Public Notification – A rezoning information sign was installed on the site on July 17, 2024. Approximately 3,239 notification postcards were distributed within the neighbouring area on or about September 27, 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 October 2, 2024 to October 15, 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 50 submissions were received.

Figure 5: Overview of Notification and Engagement



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

Generally, comments of support fell within the following areas:

- **Location:** Development is supported due to the location's proximity to transit hubs.
- **Height, density, and massing:** The height and density is appropriate along an arterial and in close proximity to a future Skytrain station.
- **Housing:** The proposal adds much-needed housing to the area.

Generally, comments of concern fell within the following areas:

- **Height, density, and massing:** The height of the proposal would be too tall in an area that has mostly low to mid rise developments.
- **Traffic and parking:** Future traffic and parking conditions could create negative impacts, including increased traffic, unsafe conditions, noise, congestion, and the need for upgrades.
- **Neighbourhood character:** The development detracts from neighbourhood character, history, and the natural environment by incorporating glass high rises.

Staff Response

Height and density – The application meets the height and density policies contained in the Plan for this block and helps meet the intent of providing new secured rental housing with below-market housing in close proximity to public transit, which is an overarching goal of the Plan.

Traffic and parking – The proposal is required to meet the Parking By-law. The site is well-served with transportation options including close proximity to frequent transit network, a future Broadway Subway station, and closely located to the East 10th Avenue bikeway. Further, a new traffic signal located at East 12th Avenue and Sophia Street intersection is required as a condition of approval.

Neighbourhood Character – The proposed height, density, uses and proportion of below-market units are consistent with the intent of the Plan for this location. 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 and podium location resulting in an improved interface to the easterly neighbour.

Public Benefits

Community Amenity Contributions (CACs) – 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 as below-market rental units and have determined no CAC is expected.

Development Cost Levies – 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 DCLs 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 9,782 sq. m (105,290 sq. ft.) of residential floor area and 343 sq. m (3,694 sq. ft.) of commercial floor area, DCLs are estimated to be \$1,672,880.

The value of the DCL waiver for the residential floor area is estimated to be \$2,486,950. 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.

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 subject to a public art contribution estimated at \$215,789. The final contribution will be calculated based on rate in effect and the floor area at the development permit stage. Applicants may elect to provide on-site artwork or cash-in-lieu (at 80% of the public art budget).

Other Benefits – The secured market rental and below-market rental units in this proposed development will contribute to the City's secured rental housing stock.

A summary of the public benefits associated with this application are included in Appendix G.

FINANCIAL IMPLICATIONS

As noted in the Public Benefits section, this project is expected to provide 145 rental units, of which a minimum of 20% of the residential floor area will be secured at below-market rents, DCLs, and a public art contribution. See Appendix G for additional details.

CONCLUSION

Staff conclude that the proposed land use, housing mix, and form of development is consistent with the intent of *Broadway Plan*. If approved, this application would contribute 145 rental units, with 20% of the floor area for below-market rental units to the City's rental housing stock, and commercial use.

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.

* * * * *

**254 East 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 purpose 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 6.6 of this by-law; and
 - (b) "Below-Market Rental 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 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) Live-Work Use;

- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses;
- (g) Utility and Communication Uses; and
- (h) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 5.1 A minimum of 20% of the total dwelling unit area must be below-market rental units.
- 5.2 The design and layout of at least 35% of the total number of below-market rental 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 units, 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, 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 1,489 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 floor space ratio for all uses combined must not exceed 6.80 and must include a combination of residential uses and commercial uses.
- 6.3 The floor space ratio for commercial uses must not exceed 0.30.
- 6.4 The total floor area for commercial uses must be a minimum of 139 sq. m.
- 6.5 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.
- 6.6 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 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.
- 6.7 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

- 6.8 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 units as storage area.

Building Height

- 7.1 Building height must not exceed 59.4 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 62.5 m.

Access to Natural Light

- 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.

* * * * *

254 East 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 Studio One Architecture Inc., on behalf of JTA Development Consultants received March 28, 2024 and supplemental plans received November 21, 2024.

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

Urban Design

1.1 Design development to ensure neighbourliness through the following:

- (a) Provide a minimum tower setback of 10 m (33 ft.) and a minimum podium setback of 6 m (20 ft.) from the east property line.
- (b) Provide a minimum tower setback of 4.6 m (15 ft.) from the west property line.
- (c) Provide a minimum tower setback of 12.2 m (40 ft.) setback from the centre of the lane.

Note to Applicant: Addendum drawings submitted on November 21, 2024 (Appendix D) satisfies this condition.

1.2 Design development to ensure the podium expression enhances neighbourhood fit.

Note to Applicant: Refer to 11.4.2 of the Plan. Reinforce the at-grade streetscape character by:

- (a) Ensuring a varied façade composition, proportions, and/or fenestration patterns;
- (b) Ensuring appropriate weather protection;
- (c) Ensuring a varied palette of fine-grain human-scale materials and colours; and
- (d) Ensuring a strong definition of project and retail entries.

Note to Applicant: The podium expression depicted in the original drawing package met the Plan's expectations for quality, articulation, and character. However, the addendum drawings did not provide enough detail to ensure a strong podium expression at a future development permit stage.

- 1.3 Design development to ensure a pedestrian-friendly interface at the public realm frontage.

Note to Applicant: Refer to 11.1.43 - 11.1.46 of the Plan. This can be achieved by removing stairs and walls at the public realm interface. See Engineering condition 1.22(d).

Landscape Design

- 1.4 Provision of revised arborist documents to ensure successful retention of neighbour-owned Tree #253, including the following:

- (a) Revised arborist documents should address the feasibility of retaining this tree given the proximity of the proposed work. This tree is directly adjacent to the existing parkade ramp and retaining wall. There has been no discussion over removal of these features, and the potential impacts to the health and stability of this tree. If this tree is to be retained, successful tree retention would have to be demonstrated at time of Development Permit Application.
- (b) Provision of coordinated application documents confirming a feasible design as per above point, including revised arborist report and signed letter of assurance, revised landscape- and architectural drawings including details and sections, as required, outlining recommended mitigation measures as per arborist's recommendations.

Note to Applicant: Unless a signed letter of consent from the adjacent property owner confirming support to remove Tree #253 is provided, this tree is to be retained as per above condition.

- 1.5 Provision of revised and coordinated arborist and landscape documents with respect to tree retention items;

- (a) Tree retentions and removals to be coordinated on landscape plans and arborist documents. Retained trees to be clearly shown on landscape documents.
- (b) All tree information to be fully coordinated on landscape documents. Tree trunks should be drawn to scale, canopies should be shown as per arborist documents.
- (c) Tree protection barriers should be shown (including any required phased protection barriers) and dimensioned on landscape documents. Any areas requiring arborist supervision, and any critical arborist notes should be shown on the landscape documents.

Note to Applicant: If required, a separate tree retention plan can be included within the Landscape drawing set.

- 1.6 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 in.: 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.

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

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

- 1.9 Provision of a high-efficiency automatic irrigation system for all planted areas.

Note to Applicant: Provide a partial irrigation plan demonstrating intent, including notations, legend and symbols to confirm stub out and hose bib locations. Hose bibs to be provided for large private patios (sized 100 sq. ft. or larger). Any limitations to the installation of hose bibs on private decks to be brought to the attention of staff in the written response.

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

- (a) "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.

- 1.11 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>

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*.

Housing

- 1.13 The proposed unit mix, including 44 studio units (30%), 48 one-bedroom units (33%), 38 two-bedroom units (26%) and 15 three-bedroom units (10%) is to be included in the Development Permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may 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 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 (24.7 sq. ft.) of bulk storage for each dwelling unit (S. 4.4.2);

Note to Applicant: In suite storage is highly encouraged for 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. Positioning this adjacent to the children's play area enables parental supervision from the amenity room (S. 3.7.3); and
 - (d) A balcony for each 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 to Applicant: Clearly label the proposed below-market units and market rental units on the architectural drawings.

Engineering

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:

- 1.16 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.

- 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>

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

- 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 days lead time for any major crane erection / removal or slab pour that requires additional street use beyond the already identified project street use permissions.

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

- 1.19 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.
- 1.20 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.

- 1.21 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 \(vancouver.ca\)](http://vancouver.ca/Guidelines: Garbage and Recycling Storage Facility Design)

- 1.22 Submission to Engineering of an updated landscape plan reflecting all of 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 6 cm 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. Call Park Board for inspection after tree planting completion".

- (b) Existing locations of:

- (i) Street furniture;

Note to Applicant: For drawings with existing street furniture displayed, a note must be added stating:

"All removals, relocations, reinstallations and replacements of street furniture must be carried out by the City Street Furniture Contractor in coordination with the City Street Furniture Coordinator."

- (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) All proposed streetscape materials on City property to be City standard materials;

Note to Applicant: deviations from the standard streetscape materials must be justified in a report and approved by City prior to the DP application. Encroachment agreements may be required for non-standard streetscape materials on City property.

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.

- (d) Deletion of:

- (i) Existing retaining wall/fencing encroachment from City boulevard on East 12th Avenue.

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

Note to applicant: Submit TDM Plan A, B, C or D. Amendments to the Parking Bylaw and the Transportation Demand Management (TDM) Administrative Bulletin were approved by Council on November 15th, 2023. New requirements came into effect January 1st, 2024, and apply to all development permits received after this date.

<https://guidelines.vancouver.ca/bulletins/bulletin-transportation-demand-management-for-developments.pdf>

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

- (a) Dimension of columns and column encroachments into parking spaces.
- (b) 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.
- (c) Design elevations at all breakpoints on both sides of ramps, drive aisles, loading and passenger loading spaces, accessible spaces, and entrances.

1.25 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.

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

- 1.26 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.

- 1.27 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) All third-party service lines to the development are to be shown on the plan (e.g., BC Hydro, TELUS, and 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.

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

- 1.28 Show all City supplied building grades and entranceway design elevations 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, the General Manager of Engineering Services and the General Manager of Arts, Culture and Community 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 Lot 6, Lot 7, and the East 38 Feet of Lot 5, Except Parts in Explanatory Plan VAP20548, Block 114, District Lot 301, Plan 187 to create a single parcel.
- 2.2 Provision of a statutory right-of-way (SRW) for public pedestrian use over a portion of the site, adjacent to East 12th Avenue, to achieve a 5.5 m offset distance from the back of the existing curb to the building face. The SRW will be free of any encumbrance such as structure, stairs, planter walls, mechanical vents at grade and is to accommodate the underground parking structure within the SRW agreement.

Note to Applicant: A survey plan prepared by a British Columbia Land Surveyor showing the existing dimension from the back of the City curb to the existing property line to determine the final SRW width required.

- 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 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.

No development permit for the site will be issued until the security for the services are 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, 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 Aplin Martin dated February 29, 2024, no water main upgrades are required to service the development.

A hydrant relocation (WH-Q13-006) is required at Sophia Street and East 13th Avenue as a condition of rezoning for this development.

Arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services will be required to secure payment

for the new hydrant relocation and installation. The developer is responsible for 100% of the cost.

The main servicing the proposed development is 150 mm. Should the development require water service connections larger than 150 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.

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

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

Implementation of development(s) at 254 E 12th Avenue require the following in order to maintain acceptable sanitation and STM sewer flow conditions.

Note to Applicant: Implementation of development(s) at 254 E 12th Avenue does not require any sewer upgrades.

Development to be serviced to the existing 200 mm SAN and 300 mm STM sewers in the lane south of E 12th Avenue.

- (c) Provision of street improvements with appropriate transitions, along East 12th Avenue, adjacent to the site, including:
 - (i) Minimum 2.0 m wide front boulevard;
 - (ii) Minimum 3.0 m wide broom finish saw-cut concrete sidewalk.
- (d) Provision of street improvements with appropriate transitions, along the lane adjacent to the site, including:
 - (i) 50 mm minimum mill and pave the lane along the site's frontage;

Note to Applicant: Lane reconstruction to meet City "Higher-Zoned Lane" standards.

Note to Applicant: Refer to the City design guidelines and construction standards.

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

- (e) Provision of improvements at the intersection of Sophia St and E 12th Ave including:
 - (i) Design and installation of a new full traffic signal;

- (ii) Entire intersection street lighting upgrade to current City standards and IESNA recommendations.

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.

- (f) Provision of speed humps in the lane south of E 12th Ave between Watson St and Sophia St.
- (g) Provision of upgraded street lighting (roadway, sidewalk and existing lane lighting) to current City standards and IESNA recommendations prior to building occupancy;
- (h) Provision of new or replacement duct banks adjacent the development site that meet current City standards.

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.

- (i) Provision of a new electrical service cabinet/kiosk on Sophia St if existing Sophia St and E 12th Ave traffic signal service cannot support requirement for new traffic signal controller.

Note to Applicant: The kiosk shall be fed by BC Hydro underground grid. As such, a right-of-way (ROW) space shall be provided on-site to accommodate BC Hydro pad-mounted transformer.

Further detailed review of the proposed kiosk and electrical specifications is required by the Applicants Electrical Consultant to determine BC Hydro infrastructure needs.

- (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 ft. long and 18 in. 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 on site conditions.

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

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) Improvements at the intersection of Sophia St and E 12th Ave including:
 - (i) Design and installation of a new full traffic signal per 2.3(e).

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

And for and only if the following works constitute excess and/or extended services:

- (b) New service kiosk per condition 2.3(i).

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 to settle the latecomer agreement(s). 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 (as defined in the Vancouver Development Cost Levy By-law No.9755), 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, 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 such units will be rented for less than 90 consecutive days 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 units will be required prior to issuance of an Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design and 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 market rental apartments 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 housing units every (5) five 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 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 and 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 *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 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 indicated interest in the Right of First Refusal to return to the new building, or another building (if applicable) 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).

Public Art

- 2.7 Execute an agreement satisfactory to the Director of Legal Services and the Director of Arts, Culture and Community Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Director of Legal Services and the Director of Arts, Culture and Community Services.

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

Environmental Contamination

- 2.8 If applicable:
- (a) Submit a site disclosure statement to Environmental Services (Environmental Protection).
 - (b) As required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter.
 - (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 registerable charges pursuant to the Land Title Act.

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

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

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254 East 12th Avenue
CONSEQUENTIAL AMENDMENTS

SIGN BY-LAW No. 11879

In Schedule A (CD-1 Zoning Districts regulated by Part 9) of the Sign By-law by adding the following:

“254 East 12th Avenue [CD-1 #] [By-law #] C-2”

NOISE CONTROL BY-LAW NO. 6555

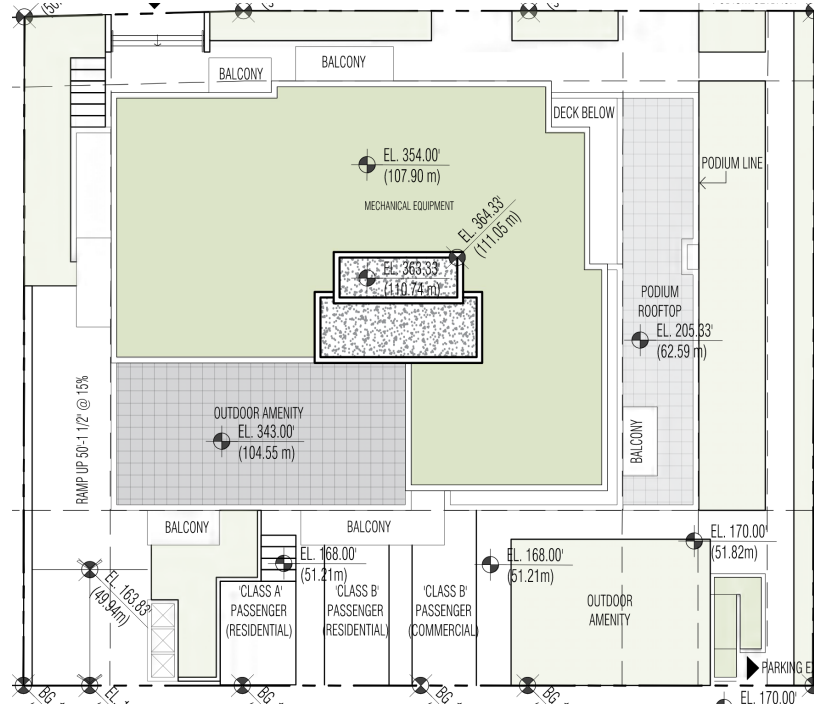
Amend Schedule B (Intermediate Zone) by adding the following:

“[CD-1#] [By-law#] 254 East 12th Avenue”

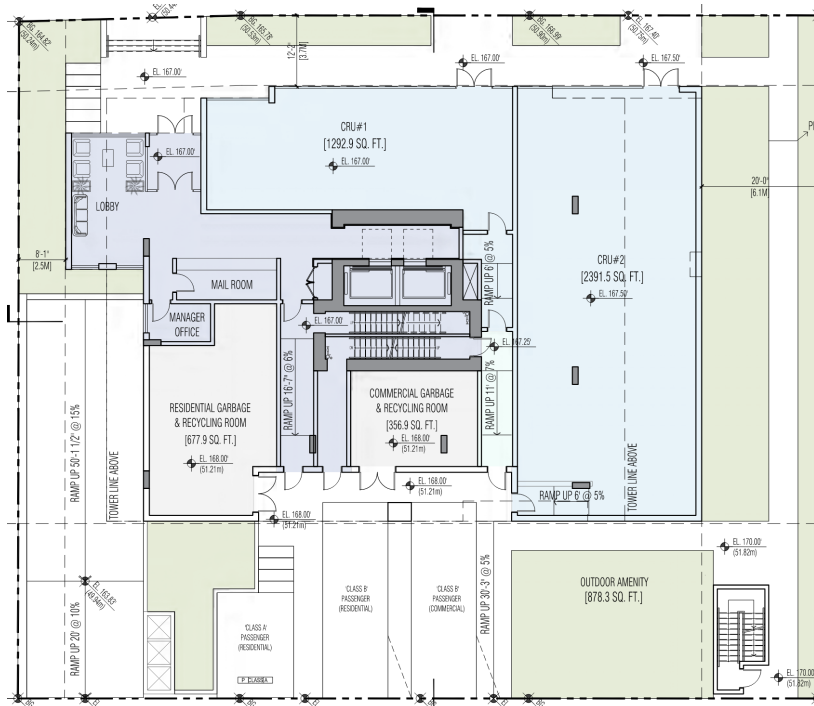
* * * * *

254 East 12th Avenue
FORM OF DEVELOPMENT DRAWINGS

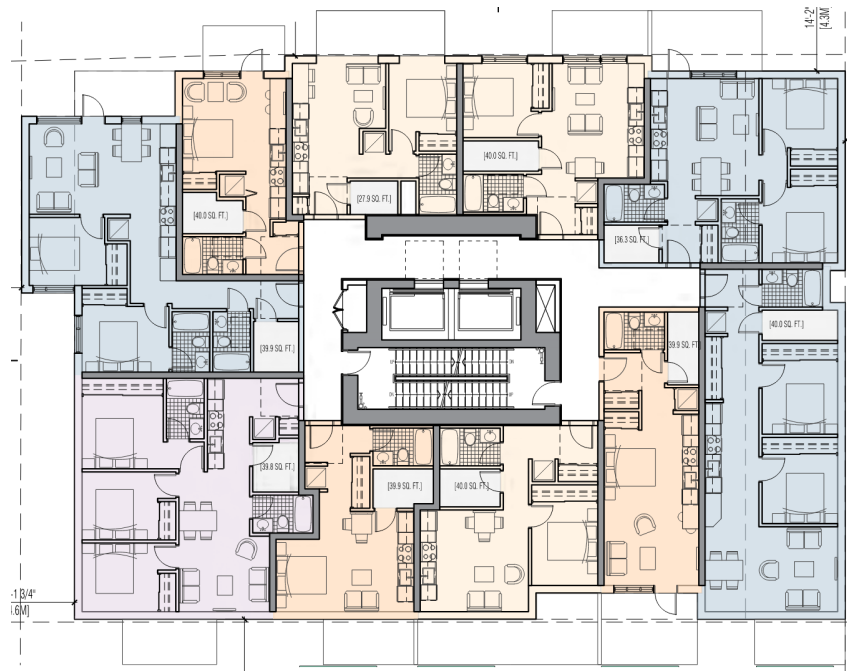
Site Plan (Based on Supplemental Drawings Submitted November 2024)



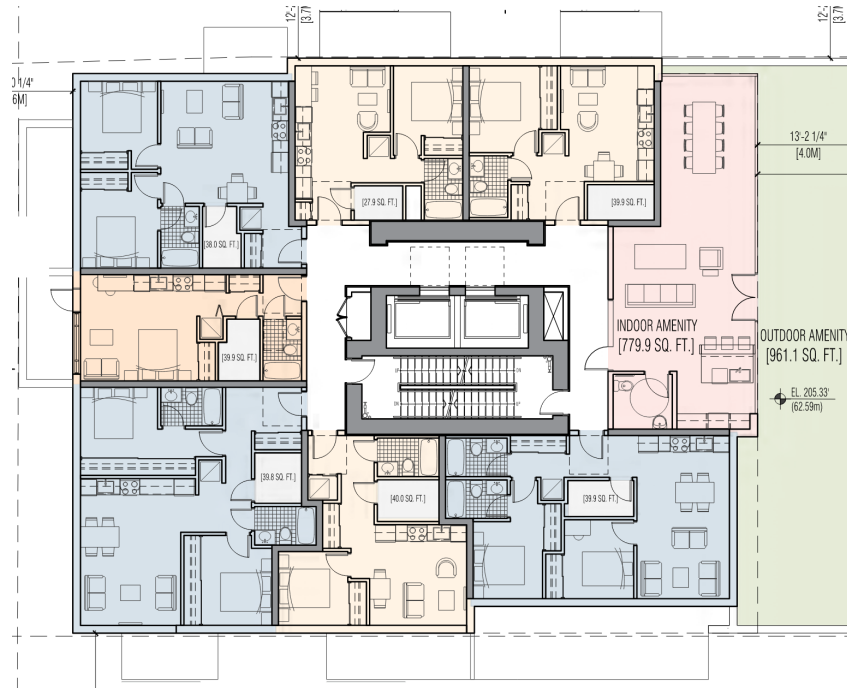
Ground Floor (Submitted November 2024)



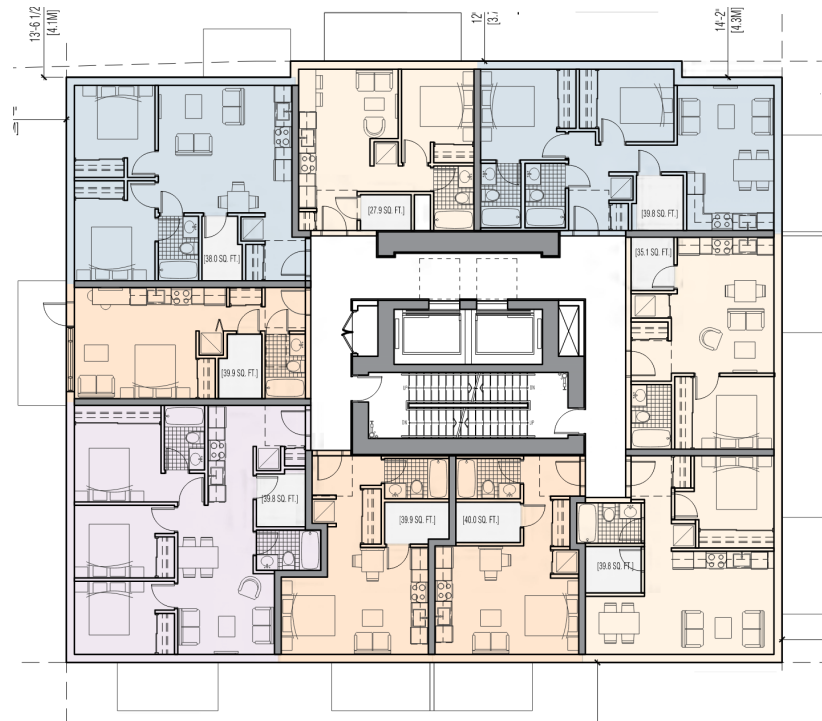
Levels 2 & 3 Floor Plan (Submitted November 2024)



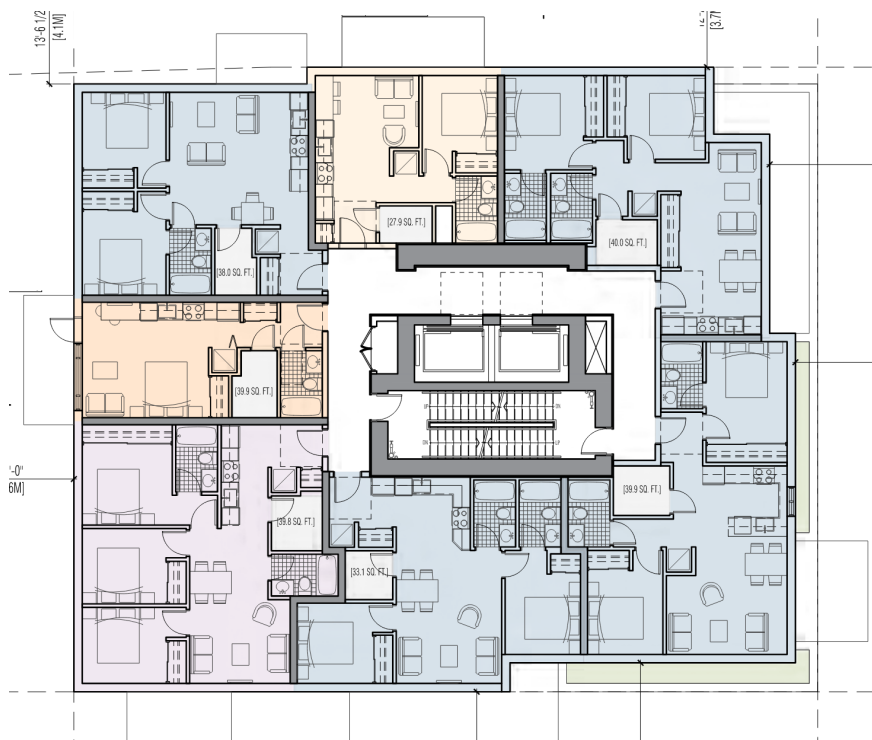
Level 4 Floor Plan (Submitted November 2024)



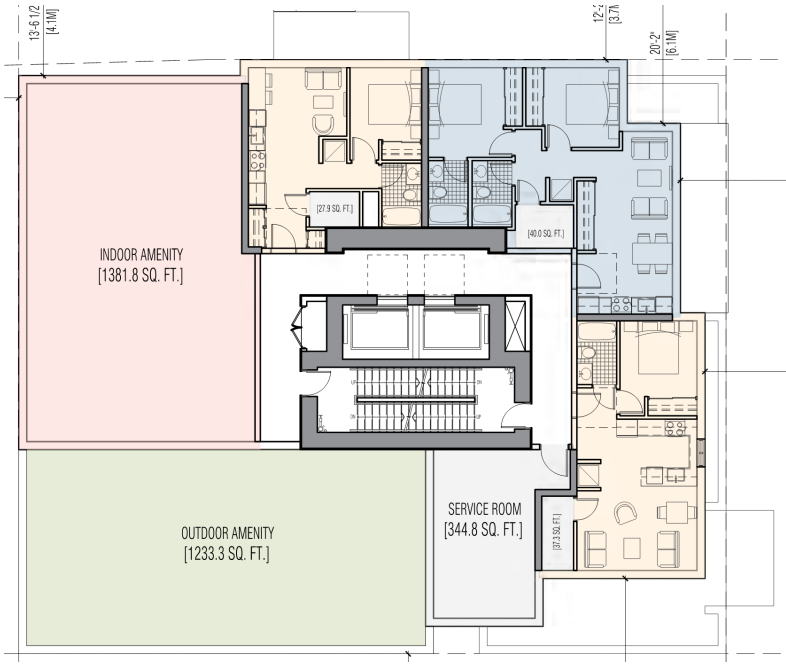
Levels 5-16 Floor Plan (Submitted November 2024)



Level 17 Floor Plan (Submitted November 2024)



Level 18 Floor Plan & Rooftop Amenity (Submitted November 2024)



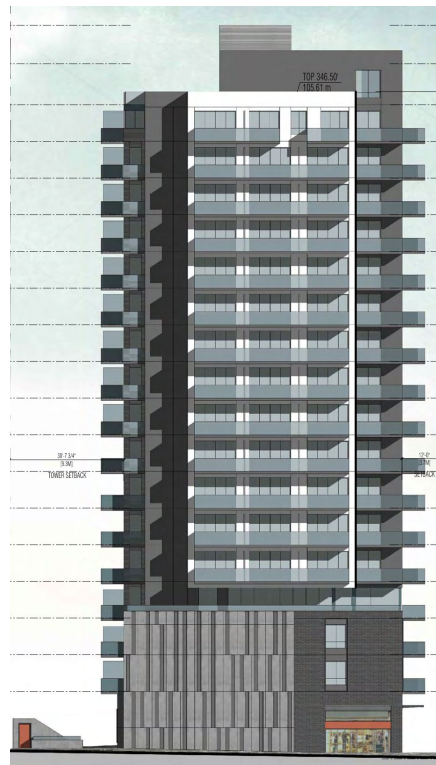
Front Elevation (Based on Original Submission Drawings Submitted March, 2024)



Rear Elevation (Submitted March 2024)



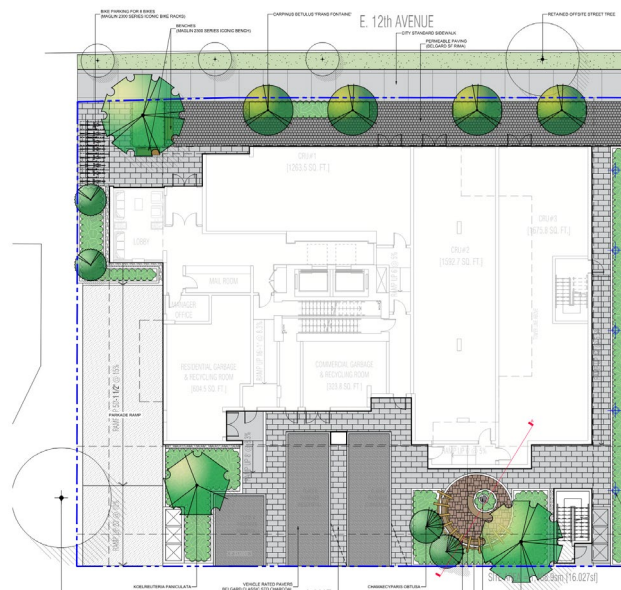
Eastside Elevation (Submitted March 2024)



Westside Elevation (Submitted March 2024)



Landscape Plan (Submitted March 2024)



View from the Northwest (Submitted March 2024)



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**254 East 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"> • 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. <p>Or:</p> <ul style="list-style-type: none"> • A lump sum rent top-up payment, equivalent to the estimated value of a rent top-up for 33 months.
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.

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254 East 12th Avenue
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

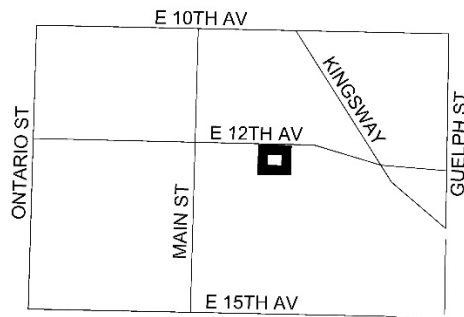
	Date	Results
Event		
Question and Answer Period (City-led)	October 2, 2024 – October 15, 2024	173 participants (aware)* <ul style="list-style-type: none"> • 79 informed • 27 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and Q&A Period	September 27, 2024	3,239 notices mailed
Public Responses		
Online questions	October 2, 2024 – October 15, 2024	6 submittals
Online comment forms <ul style="list-style-type: none"> • Shape Your City platform 	July 2024 – April 2025	43 submittals
Overall position <ul style="list-style-type: none"> • support • opposed • mixed 	July 2024 – April 2025	43 submittals <ul style="list-style-type: none"> • 13 responses • 28 responses • 2 responses
Other input	July 2024 – April 2025	1 submittal
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	July 2024 – April 2025	947 participants (aware)* <ul style="list-style-type: none"> • 423 informed • 47 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:

- **Location:** Development is supported due to the location's proximity to transit hubs.
- **Height, density, and massing:** The height and density is appropriate along an arterial and in close proximity to a future Skytrain station.
- **Housing:** The proposal adds much-needed housing to the area.

Generally, comments of concern fell within the following areas:

- **Height, density, and massing:** The height of the proposal would be too tall in an area that has mostly low to mid rise developments.
- **Traffic and parking:** Future traffic and parking conditions could create negative impacts, including increased traffic, unsafe conditions, noise, congestion, and the need for upgrades.
- **Neighbourhood character:** The development detracts from neighbourhood character, history, and the natural environment by incorporating glass high rises.

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:

- This proposal includes amenities and child play area.
- The design is attractive. Colour palette is attractive.
- Tenant Relocation and Protection Policy – TRPP is applicable.
- Development is supported given proximity to amenities and commercial.
- Proposal aligns with policy.
- Development improves traffic conditions.

General comments of concern:

- Concerns that the housing units will not be affordable.
- The parking in the surrounding area will worsen.
- There is a lack of amenities and infrastructure to support the growing density.
- The construction will negatively affect the neighbourhood by creating more traffic and pollution.
- The units are too small.

Neutral comments/suggestions/recommendations:

- A lower or mid-rise building would be preferred. Up to 6 storey is welcomed.
- There are too many applications in the area.

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254 East 12th Avenue PUBLIC BENEFITS SUMMARY

Project Summary

An 18-storey mixed-use rental building consisting of 145 units, with 20% of the residential floor area for below-market rental units, and commercial use on the ground floor.

Public Benefit Summary:

The proposal would provide 145 rental units with 20% of the floor area secured for below market rental units and secured through a Housing Agreement for the greater of 60 years and the life of the building, as well as DCLs and a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	RM-4	CD-1
Floor Space Ratio (Site area = 1,497.3 sq. m (16,117 sq. ft.))	0.75	6.8
Floor Area	1,117 sq. m (12,023 sq. ft.)	10,125 sq. m (108,984 sq. ft.)
Land Use	Residential	Residential, Commercial

Summary of Development Contributions Expected under Proposed Zoning

City-wide DCL ^{1,2}	\$87,252
Utilities DCL ¹	\$1,585,628
Public Art ³	\$215,789
TOTAL	\$1,888,669

I would note "Other benefits (non-quantified) that was earlier in the report here instead, to note the rental units.

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 more details.

² This application has requested and is expected to be eligible for a Class A (100%) waiver of the City-wide DCL applicable to the residential portion of the building. The value of the anticipated DCL waiver is estimated to be \$2,486,950. The application is therefore subject to the maximum average starting rents and unit sizes by unit type applicable to "class A for-profit affordable rental housing" as per the By-law. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance.

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.

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254 East 12th Avenue

APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

PROPERTY INFORMATION

Address	Property Identifier (PID)	Legal Description	Registered Owners
254 East 12th Avenue	015-612-929	The East 38 Feet of Lot 5, Except Part in Explanatory Plan VAP20548, Block 114 District Lot 301 Plan 187	254 E 12th Holdings Ltd., Inc. No. BC1172468
254 East 12th Avenue	015-612-945	Lot 6, Except Part in Explanatory Plan VAP20548, Block 114 District Lot 301 Plan 187	254 E 12th Holdings Ltd., Inc. No. BC1172468
254 East 12th Avenue	015-612-970	Lot 7, Except Part in Explanatory Plan VAP20548, Block 114 District Lot 301 Plan 187	254 E 12th Holdings Ltd., Inc. No. BC1172468

APPLICANT INFORMATION

Owner	254 E 12th Holdings Ltd.
Applicant	JTA Development Consultants
Architect	Studio One Architecture Inc.

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Site Area	1,489 sq. m (16,027 sq. ft.),	1,489 sq. m (16,027 sq. ft.),
Zoning	RM-4	CD-1
Land Use	Residential	Residential, Commercial
Density	0.75 FSR	6.8 FSR
Maximum Height	10.7 m (35 ft.)	59.4 m (195 ft.) to the top of the residential parapet and a maximum of 62.5 m (205 ft.) to the top of the rooftop mechanical equipment.
Floor Area	1,117 sq. m (12,023 sq. ft.)	Maximum of 10,125 sq. m (108,984 sq. ft.)
Parking and Bicycle Spaces	As per Parking By-law	Vehicle parking spaces: 74 Bicycle spaces: 369 Loading spaces: 3
Natural assets	7 on-site trees 8 off-site trees	Remove 11 on-site trees, Retain 1 off-site tree, 1 on-site tree, and 5 street trees (confirm at development permit stage)

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