



REFERRAL REPORT

Report Date: June 30, 2026
Contact: Allison Smith
Contact No.: 604.873.7583
RTS No.: 19742
VanRIMS No.: 08-2000-20
Meeting Date: July 14, 2026

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 (708) Text Amendment: 2538-2550 Birch Street and 1290-1298 West Broadway

Recommendation to Refer

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

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

Recommendations for Public Hearing

- A. THAT the application by Arcadis Architects (Canada) Inc., on behalf of 1061511 B.C. Ltd.¹, the registered owners of the lands located at 2538-2550 Birch Street and 1290-1298 West Broadway [*PID 030-417-261; Lot 1 Block 353 District Lot 526 Group 1 New Westminster District Plan EPP81033*], to amend the text of CD-1 (Comprehensive Development) District (708) By-law No. 12179, to convert 202 rental units to 202 hotel rooms, to retain the minimum required floor area for below-market rental housing, and to increase the maximum floor space ratio (FSR) of the nearly completed building from 10.55 to 11.40 to account for floor area that was previously eligible for exemption, be approved in principle;

FURTHER THAT the draft CD-1 By-law amendment, prepared 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 Arcadis Architects (Canada) Inc., received November 20, 2025 and supplemental plans received April 22, 2026;

¹Beneficially owned and controlled by Jameson Broadway & Birch Limited Partnership.

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 CD-1 text amendment 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 text amendment 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 Recommendations A to B 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 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.

Purpose and Executive Summary

This report evaluates an application to amend CD-1 (708) By-law No. 12179 for the site located at 2538-2550 Birch Street and 1290-1298 West Broadway. The proposal is to convert 202 rental units to 202 hotel rooms and to increase maximum floor space ratio (FSR) of the nearly completed building from 10.55 to 11.40 to account for floor area that was previously eligible for exemption. The proposal will continue to provide the minimum floor area for below-market rental housing secured in the previous rezoning application.

Section 559.02 (3) of the Vancouver Charter provides that a public hearing is not required to consider the zoning by-law amendments in this report because this proposal is consistent with all relevant official development plans including the *Vancouver Official Development Plan*. Staff are recommending that this application be referred to a Public Hearing due to the history of rezoning applications on this site and significant public interest in the text amendment application. However, Council has the discretion to refer the by-law to a Council meeting.

This application is consistent with the *Vancouver Official Development Plan* and generally consistent with the objectives of the *Broadway Plan*.

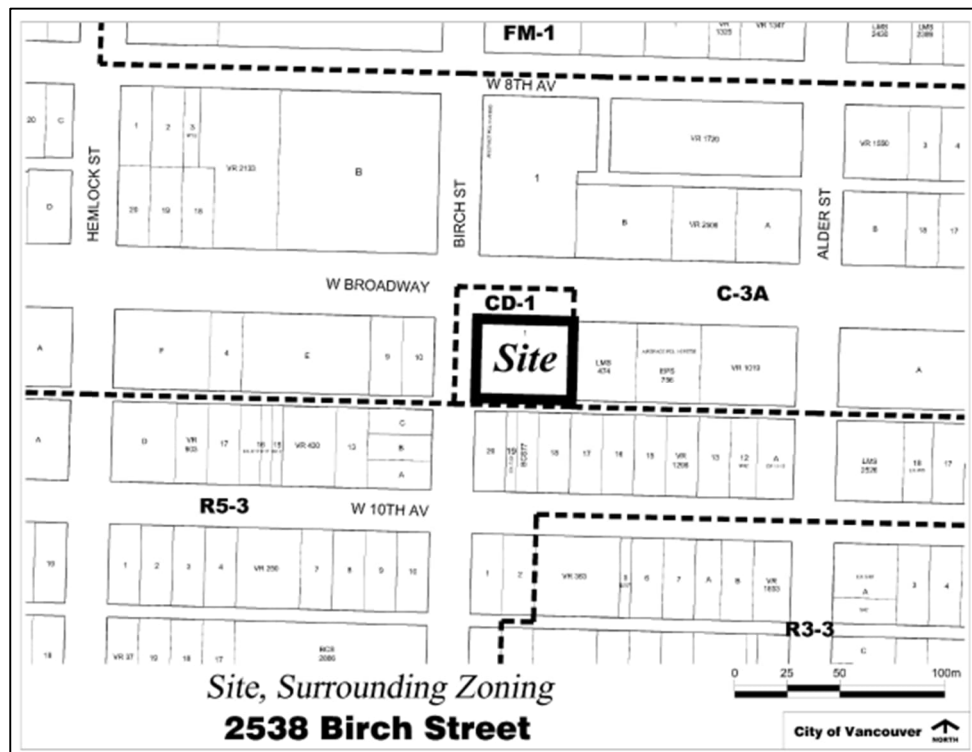
The General Manager of Planning, Urban Design and Sustainability recommends approval in principle subject to conditions contained in Appendix B.

Context and Background

1. Site and Context

The subject site is comprised of a single parcel, located at the southeast corner of the Broadway and Birch Street intersection, within the Fairview neighbourhood (see Figure 1). Existing developments along Broadway, a major arterial road, primarily include a mix of commercial, office, service and mixed-use residential buildings that range from low- to high-rise forms. The Fairview neighbourhood is undergoing significant change with redevelopment as per the *Broadway Plan*, as well as with future SkyTrain stations within walking distance including South Granville Station to the west and the Oak-VGH Station to the east.

Figure 1: Site and Surrounding Zoning



2. Previous Rezoning Applications

A rezoning application for the site was originally approved on January 16, 2018 ([RTS No. 12196](#)) for a 16-storey mixed-use building with 153 market rental units and commercial on the ground floor, under the *Secured Market Rental Housing Policy (Rental 100)*. The applicable CD-1 (708) By-law No. 12179 was enacted on July 24, 2018.

On May 23, 2019, a second rezoning application was submitted to amend CD-1 (708) By-law under the *Moderate Income Rental Housing Pilot Program* and was permitted to proceed under the parameters of the *Broadway Plan Interim Rezoning Policy*. The CD-1 amendment was approved on July 21, 2020 ([RTS No. 13730](#)) to permit a 27-storey building with a maximum density of 10.55 FSR, containing approximately 258 rental units, of which 22% of the residential floor area would be moderate income rental units (now referred to as below-market rental units). CD-1 (708) By-law was enacted on December 10, 2020. The applicant has since nearly completed construction of the building approved in the 2020 rezoning.

3. Policy Context

- **Vancouver Official Development Plan (ODP):** The site has a Generalized Land Use (GLU) designation of Mixed-use High-Rise 2, which allows commercial or mixed-use apartments with a range of residential tenures in combination with non-residential uses in high-rise buildings above 26 storeys. Non-residential uses at the ground level are required.
- **Broadway Plan (Plan):** This site is located in the Broadway Shoulder Area West (FBSA) sub-area of the *Plan*, which allows for consideration of rental housing, strata ownership housing, and office/hotel uses with maximum heights between 20 to 30 storeys in height, depending on tenure and use. Additional policies within the sub-area permit mixed-use hotel projects with a residential component, up to the maximum building height for the sub-area. If pursuing this option, projects are required to demonstrate a viable and substantive hotel component of a minimum of approximately 3.0 FSR or 200 hotel rooms.
- **Transit-Oriented Areas (TOA) Designation By-law and Transit-Oriented Areas (TOA) Rezoning Policy:** This site is within Tier 2 of the TOA. As the *Plan* allows more density, the application is being assessed under the *Broadway Plan* policies.
- **Housing Needs Report:** The Vancouver Charter requires that when Council amends or adopts an affordable and special needs housing zoning by-law, also known as inclusionary zoning, Council must consider the most recent housing needs report, and the housing information on which it is based. The most recent housing needs report amendment was received on January 1, 2025.
- **Moderate Income Rental Housing Pilot Program (MIRHP Program) and Below-Market Rental Housing Program Optimization Report:** The *MIRHP Program* was a time-limited pilot program introduced in 2017 to incentivize the development of new below-market rental housing across the city. Additional height and density were considered for projects that delivered 100% of the residential floor area as rental housing, with at least 20% of the residential floor area secured at moderate income rental rates. The final intake deadline for enquiries under the *MIRHP Program* was January 31, 2022, with in-stream enquiries permitted to be processed as applications after this date. In October 2023, after the conclusion of the *MIRHP program*, Council approved the *Below-Market Rental Housing Program Optimization report*, which included recommendations for a standardized and updated approach to securing and delivering below-market rental units.
- **Broadway Plan Interim Rezoning Policy (IRP):** On June 20, 2018, Council approved the *Broadway Plan Terms of Reference* and associated *Interim Rezoning Policy (IRP)*. The *IRP* established conditions under which rezoning applications could be considered during the development of the *Broadway Plan*. Rezoning applications already submitted and rezoning enquiries that received a written response up to three years prior to the adoption of the *IRP* were permitted to continue. The *IRP* was rescinded when the *Broadway Plan* came into effect.

Discussion

1. Current Proposal

With the approved building nearing completion but not yet occupied, the applicant submitted a CD-1 text amendment application on November 20, 2025, which proposed to convert 200 market rental units into 200 Temporary Accommodation for Medical Care (TAMC) units, while maintaining the minimum required floor area of below-market rental units (previously referred to as moderate income rental housing units). The proposal included the addition of a private childcare facility, and minor changes to amenity areas and commercial floor area. The form of development would generally remain as originally proposed. Staff note that TAMC units are a unique land use which provide temporary accommodation at below-market rates for children or other individuals seeking medical care at local health facilities, and their families and caregivers, with associated on-site services.

Following review of the application, staff determined that the proposal did not meet the definition or intent of the TAMC use and directed the applicant to submit a revised application that correctly identifies the proposed use as hotel. In addition, staff directed that a revised proposal also demonstrate that the residential and hotel uses are separated on different levels to address potential privacy and security issues.

A revised application was received on April 27, 2026, proposing to convert 202 market rental units to 202 hotel rooms. The proposal would maintain the minimum required floor area of below-market rental units. The below-market rental units would be located exclusively on levels five to eight, with hotel rooms proposed on level four and levels nine to 27. A condition of approval has been included to ensure all residents of the below-market rental units have equal access to all common indoor and outdoor amenities and facilities within the building. The hotel rooms range in unit type, from studios to three-bedrooms.

Although the building form is not changing, there is an increase in total floor area. This is the result of previously exempted floor area which now must be counted, such as hotel floor area that was previously identified as residential storage.

2. Form of Development

The applicant is proposing no significant changes to the form of development, as building construction is near completion. Internal modifications may be required at later stages of permitting to accommodate the proposed hotel use, which has different requirements under the Vancouver Building By-law (VBBL).

Should Council approve this application, the applicant will be required to go through the Development Permit and Building Permit process to reflect the change of use and to ensure compliance with the VBBL.

Refer to the rezoning [application booklet](#) for drawings and the Council agenda for renderings. These drawings and statistics are posted as-submitted by the applicant to the City. Following staff review, the final approved zoning statistics are documented within this report.

3. Housing

This application, if approved and enacted, would result in a reduction of 202 secured rental units, but would maintain 56 below-market rental units (previously referred to as moderate income rental housing units) in the City's inventory of rental housing, which would continue to

contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 1, Appendix D). The floor area for below-market rental units proposed in this rezoning is in keeping with the minimum floor area secured in the previous rezoning application.

Existing covenant on title: Under the previous rezoning application, the applicant received \$164 million in low-interest financing in partnership with the Province, through BC Housing's HousingHub program, which aimed to support the development of new rental housing for middle-income earners in BC. As a condition of the HousingHub program, a Section 219 Covenant was registered on title (under registration no. CB400523), requiring that residential buildings remain as long-term rentals for middle-income households for a period of at least 10 years. As this rezoning proposes to convert a substantial portion of the approved rental housing to hotel use, a condition of approval for this application requires the BC Housing Covenant to be discharged prior to rezoning enactment. Should BC Housing not permit the discharge of the covenant from title, the applicant will be unable to enact the proposed zoning amendments or proceed with the proposed changes, and will be required to operate the building as previously approved.

Housing Mix: The project proposes 50% two-bedroom and three-bedroom units in the residential portion, thereby meeting the *Plan*, which requires a minimum of 35% family units, including a minimum of 25% two-bedroom and 10% three-bedroom units. A provision previously included in the CD-1 By-law is proposed to remain unchanged to ensure the minimum unit mix requirements will be maintained.

Average Rents and Income Thresholds: The proposed below-market rental units will provide housing options that are significantly more affordable than average home ownership costs, as shown in Figure 2, Appendix D. If approved, starting rents for the below-market units will be 20% less the city-wide average market rents at the time of initial tenancy, and upon unit turnover.

Per the *Plan*, eligibility and monitoring requirements for the below-market rental units are described in the *Rental Incentive Programs Bulletin*.

Security of Tenure: All 56 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. The Housing Agreement will secure not less than 100% of the residential floor area for below-market units.

Tenants: There were no existing rental residential uses in the initial rezoning application, and as the new building has not yet reached occupancy stage, there continue to be no tenants on the site. If any tenants eligible under the City's *Tenant Relocation and Protection Policy* (TRPP) are identified through the City's regulatory approvals process, the applicant will be required to provide a Tenant Relocation Plan (TRP) that meets the City's TRPP.

4. Transportation and Parking

As construction of the building is near completion, parking and loading provisions are in keeping with the previous approved development permit for the project. The building includes 143 vehicle parking spaces, 119 Class A bicycle spaces, 15 Class A passenger loading spaces, four Class A loading spaces and three Class B loading spaces, within five levels of underground accessed from the rear lane.

5. Public Input

Public input primarily included mailed postcards, a site sign, a webpage with a digital model, an online comment form, and question and answer (Q&A) period. Refer to the application webpage: www.shapeyourcity.ca/2538-birch

In total, approximately 118 submissions were received. Support was expressed for the previous iteration of the project that proposed to provide Temporary Accommodation for Medical Care for Indigenous and non-Indigenous residents seeking medical care at local health facilities. Concerns primarily relate to the applicant receiving financial incentives (such as low-cost financing and DCL waivers) to support the previously approved development, the conversion of approved rental housing after construction, and frequent changes to the proposal through the various rezoning applications. Refer to Appendix C for a full summary of the public input collected and responses to public comments.

6. Public Benefits

Refer to Appendix E for full summary of public benefits.

- **Development Cost Levies (DCLs):** The applicant received a DCL waiver on the residential component for the previously approved project, valued at approximately \$3.1 million.

For the current rezoning, the below-market rental housing floor area continues to be eligible for the DCL waiver. The proposed hotel use is subject to DCLs and, based on December 2025 rates, it is expected that the project will pay DCLs of approximately \$2.7 million on the hotel floor area. Final DCLs will be determined at the time of Building Permit issuance.

- **Community Amenity Contributions (CAC):** This application is subject to a negotiated CAC. Real Estate Services staff have determined that based on the cost of securing the below-market rental units, no CAC is anticipated.
- **Public Art:** The project provided an on-site public art contribution as part of the previous rezoning.

Financial Implications

This project will provide 56 below-market rental units, as required by the previous approval, and DCLs on the hotel component. On-site public art was provided as part of the previous rezoning. See Appendix E for additional details.

Conclusion

The proposed land use, form of development and public benefits are consistent with the *Vancouver Official Development Plan* and the intent of the *Broadway Plan*. The General Manager of Planning, Urban Design and Sustainability recommends approval in principle of the CD-1 text amendment bylaw in Appendix A subject to conditions contained in Appendix B.

APPENDIX A
2538-2550 BIRCH STREET AND 1290-1298 WEST BROADWAY
PROPOSED CD-1 BY-LAW PROVISIONS TO AMEND CD-1 (708) BY-LAW NO. 12179

Note: A by-law to amend CD-1 (708) No. 12179 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This by-law amends the indicated provisions of By-law No. 12179.
2. Council strikes out section 1A and substitutes the following:

“1A Words in this by-law have the meaning given to them in the Zoning and Development By-law, except that:

 - (a) “Below-Market Rental Dwelling 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.”
3. Council strikes out section 2.2 (a) and substitutes the following:

“(a) Cultural and Recreational Uses, limited to Arcade, Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Bingo Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, and Theatre;”
4. Council strikes out section 2.2 (g) and substitutes the following:

“(g) Service Uses, limited to Animal Clinic or Shelter, Animal Services, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Hotel, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Wedding Chapel;”
5. Council strikes out section 3.1 and substitutes the following:

“3.1 All residential floor area must be used for below-market rental dwelling units.”
6. Council strikes out section 3.4 and substitutes the following:

“3.4 Residential uses and hotel use must not be located on the same storey, except for shared amenity areas or entrances.”
7. Council strikes out section 3.5 and substitutes the following:

“3.5 No portion of the first storey of a building, within a depth of 10.7 m of the front wall of the building and extending across its full width, shall be used for residential purposes except for entrances to the residential portion.”

8. Council strikes out section 4.2 and substitutes the following:

“4.2 The maximum floor space ratio for all uses combined is 11.40.”

9. Council renumbers sections 4.3 through 4.6 as sections 4.5 through 4.8, respectively.

10. Council adds a new section 4.3 as follows:

“4.3 The total minimum floor area for below-market rental dwelling units must be 3,610 m².”

11. Council adds a new section 4.4 as follows:

“4.4 The total minimum floor area for hotel must be 12,000 m².”

12. Council strikes out section 4.6 and substitutes the following:

“4.6 Computation of floor area must exclude:

- (a) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
 - (i) the total area of all such 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 gardens, if the Director of Planning first approves the design of the sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment or uses, which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area; and
- (e) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.”

13. Council strikes out section 4.8.

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APPENDIX B CONDITIONS OF APPROVAL

Note: Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the minutes for any changes or additions to these conditions.

PART 1: CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

Note: Consideration by Council of the proposed form of development is in reference to plans prepared by Arcadis Architects (Canada) Inc., received on April 22, 2026.

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:

Landscape

- 1.1 Design development to improve the locations of rooftop outdoor communal amenities. This includes:
 - (a) Addressing the potential privacy issue between the location of the sweat lodge and the adjacent hotel unit is encouraged; and
 - (b) Consider relocating urban agriculture to the level 28 roof and the play area to the current level 4 urban agriculture for improved solar access for both.

Note to Applicant: It is unclear whether the sweat lodge is intended as a private feature or a shared amenity in its current location. If intended for communal use, it may be more appropriately located on Level 28 or Level 4 rooftops, closer to indoor amenities that might support this program and improved privacy from occupants of the hotel room. Alternatively, privacy screening could be provided or planters can be reconfigured to improve visual screening from nearby hotel room occupants.

Housing

- 1.2 The proposed residential unit mix, including 12 studio units (21.4 %), 16 one-bedroom units (28.6 %), 16 two-bedroom units (28.6 %), and 12 three-bedroom (21.4%) units 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 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.

PART 2: CONDITIONS OF BY-LAW ENACTMENT

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

Housing

- 2.1 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, with respect to the development, which contains 56 residential units (including a minimum of 50.0% family units with 2 or more bedrooms) and 202 hotel rooms, to secure all residential units as below-market rental housing units, excluding Seniors Supportive or Independent Living Housing, , 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 providing that all of the below-market rental housing units and hotel rooms are owned by the same entity, provided that the beneficial owner may be a different entity than the registered owner;
 - (b) A no stratification covenant;
 - (c) A provision that none of the units will be rented for less than 90 consecutive days at a time;
 - (d) A provision that the hotel rooms will be used only for "Hotel" use and will not be used for any "Dwelling Uses", as those terms are defined in the City of Vancouver Zoning and Development By-law;
 - (e) That the average initial starting monthly rents by unit type for the below-market rental housing units in the project will be at least 20% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;
 - (f) That a rent roll indicating the agreed maximum average initial monthly rents for the below-market rental housing units will be required prior issuance of an Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design or Sustainability (or successor in function) and the Director of Legal Services;
 - (g) 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 average market 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;
 - (h) 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.
- (i) That the applicant will verify the ongoing eligibility of existing tenants in below-market rental housing units every five (5) years after initial occupancy:
 - (i) For such tenants, annual household income cannot exceed 5 times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and
 - (ii) There should be at least one occupant per bedroom in the unit.
- (j) 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;
- (k) A provision that the owner will be responsible for maintaining and implementing a Capital Reserve Fund for the below-market rental housing units that is adequately funded from the overall development, to the satisfaction of the General Manager of Planning, Urban Design, and Sustainability. The requirements of the Capital Reserve Fund will include, at a minimum, the following elements:
 - (i) A commitment to plan and carry out effective and efficient property management, maintenance and capital replacement of the building;
 - (ii) Ensure financial viability and sustainability of the below-market rental housing units, ensuring adequate income/funds to meet Capital costs over the life of the building; and
 - (iii) Require the owner to maintain a capital replacement reserve that is adequately funded from the operating budget.

Note to Applicant: At the request of the City, from time to time, the owner will make the records of the Capital Reserve Fund available to the City; and

- (l) 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.

With respect to By-law nos. 12839, 13596 and 13808 (collectively, the “**Original Housing By-law**”), which approved the Housing Agreement currently registered on title to the development property under registration no. CA8600160, as modified by Modifications registered under registration nos. CB382781 and CB975790, (collectively, the “**Original Housing Agreement**”) as required under the previous rezoning of the property, following the registration of the Housing Agreement referred to in this Condition 2.1 and the enactment of the rezoning by-law contemplated in Appendix A, it is intended that a repeal of the Original Housing By-law will be presented to Council, and upon repeal, the Original Housing Agreement will be discharged.

- 2.2 Enter into an agreement, satisfactory to the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services, to secure the use and access of the amenity spaces, currently designated on the plans submitted for rezoning as “amenity”, and any other amenity spaces as may be shown on the development plans approved in connection with the development permit, to be shared and made available to all residential occupants and/or tenants of the building as a common space in perpetuity.
- 2.3 Discharge of Covenant CB400523, registered in favour of the British Columbia Housing Management Commission.

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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APPENDIX C PUBLIC CONSULTATION SUMMARY

Public Consultation Summary

Event	Date(s)	Details
Webpage published	November 28, 2025	www.shapeyourcity.ca/2538-birch
Postcard mailed	December 1, 2025 April 29, 2026	4,394 notices mailed (approximate) 4,915 notices mailed (approximate)
Site sign installed	November 28, 2026	n/a
Online comment form	November 2025 to June 2026	106 submissions <ul style="list-style-type: none"> • 13 responses support • 90 responses opposed • 3 responses mixed
Question and Answer (Q&A) period (2 weeks)	December 3, 2025 to December 9, 2025	7 submissions
Other input (phone calls, direct emails, etc.)	November 28, 2025 to June 1, 2026	5 submissions
Total webpage views	November 28, 2025 to June 1, 2026	1,560 page views
Total Submissions (Comments submitted + questions asked + other input methods)		118 submissions

Map of Notification Area



A summary of public input is provided below, organized by topic.

Areas of support:

- **Medical accommodation:** Respondents expressed support for the initial proposal for Temporary Accommodation for Medical Care units, due in part to the close proximity of medical facilities and services.

Areas of concern:

- **Loss of rental housing:** Oppose the significant reduction in previously approved long-term rental housing units, emphasizing that housing supply must not be sacrificed during a housing crisis.
- **Hotel use:** Respondents opposed the hotel or Temporary Accommodation for Medical Care units, as they do not serve the community and prioritize visitors over residents.
- **Misuse of financial incentives:** Concern was expressed that public financial incentives intended to support the delivery of rental housing (such as low-cost financing from the Province and DCL waivers from the City) were used for a project that has now changed to a different, profit-oriented use.
- **Planning process:** Responses critique the planning process saying that it is overly accommodating to project changes, resulting in distrust of the developer and the City. Comments argue that the project has been fundamentally altered from the original proposal and does not follow through with previous promises made to the public.

- **Developer financial mismanagement:** Some commenters view this rezoning as an attempt to recover from poor financial decisions and that developers should bear the financial consequences.

Response to Public Comments

- **Loss of rental housing:** The *Plan* permits hotel use at this location, including in projects that provide both residential and hotel uses. The project maintains the required floor area for below-market rental units (approx. 56 units).
- **Hotel use:** The hotel use is permitted in this sub-area under the *Plan*.
- **Misuse of financial incentives:** The project received a low-interest financing loan from BC Housing, to support the delivery of rental housing at this location, with the requirement to provide rental housing as previously secured through a covenant on title. A rezoning condition requires the covenant be discharged from title prior to the proposed rezoning being enacted. Should BC Housing choose to not permit the discharge of the covenant from title, the applicant will be unable to enact the proposed zoning amendments or proceed with the proposed changes, and will be required to operate the building as previously approved.

The previous application received DCL waivers for the residential portion of the building. Should this proposal be approved, the applicant will be required to pay DCLs on the hotel portion of the building.

- **Planning process:** Staff recognize the public concerns relating to the evolving proposal, in particular with changes proposed at the time of building construction nearing completion. The City is required to intake all submitted rezoning applications and review in the context of existing policy and previous approvals, including previously secured public benefits such as the below-market rental units.

For this current application, a revised submission was received. The project's Shape Your City page was updated and a new postcard was sent out, to ensure the public was notified of the revised proposal.

- **Developer financial mismanagement:** As noted above, the City is required to intake all submitted rezoning applications. Staff make recommendations to Council based on the applicable policy context.

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APPENDIX D HOUSING

Figure 1: Progress Towards 10 Year Housing Vancouver Targets (2024-2033) for Purpose-Built Market and Developer-Owned Below-Market Rental Housing as of March 31, 2026

Housing Type	CATEGORY	10-YEAR TARGETS	Units Approved Towards Targets
Purpose-Built Market Rental Housing Units	Market Rental	30,000	19,996 (67%)
	Developer-Owned Below Market Rental	5,500	2,892 (53%)
	Total	35,500	22,888 (64%)

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.

Figure 2: 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 (sq. ft.)	2026 Starting Rents ¹	Average Household Income Served ⁴	Average Market Rent ²	Average Household Income Served ⁴	Monthly Costs of Ownership ³	Average Household Income Served ⁴	Down-payment at 20% ³
Studio	409	\$1,364	\$54,560	\$2,003	\$80,120	\$3,118	\$124,720	\$108,000
1-bed	485	\$1,488	\$59,520	\$2,601	\$104,040	\$3,829	\$153,160	\$136,000
2-bed	628	\$2,118	\$84,704	\$3,706	\$148,240	\$5,892	\$235,680	\$210,000
3-bed	846	\$2,891	\$115,648	\$4,875	\$195,000	\$9,050	\$362,000	\$336,000

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 October 2025 Rental Market Report and set in the Rental Incentive Programs Bulletin for the year 2026.

2. Data from October 2025 CMHC Rental Market Survey for buildings completed in 2016 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 2025 by unit type, 20% down-payment, 5% mortgage rate (in-line with qualifying rate), 25-year amortization, \$400-\$600 monthly strata fees and monthly property taxes at \$2.78 per \$1,000 of assessed value (2023 assessments and property tax rate) , ,

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

**APPENDIX E
PUBLIC BENEFITS**

City-wide DCL ¹	\$2,696,977
TOTAL	\$2,696,977

Other Benefits (non-quantifiable components): 56 below-market rental housing units secured for the greater of 60 years and the life of the building.

¹ For the previous application, the applicant paid approximately \$2.2 million in DCLs, including UDCLs on the total floor area, and was eligible for a DCL waiver of approximately \$3.1 million on the residential portion of the building. The applicant will be required to pay DCLs on the proposed 12,550.5 sq. m (135,093 sq. ft.) of hotel floor area, based on rates in effect as of December 10, 2025.

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

² The Public Art Policy and Procedures for Rezoned Developments requires rezoning proposals having a floor area of 9,290 sq. m (100,000 sq. ft.). The applicant provided an on-site public art contribution as part of the previous rezoning.

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APPENDIX F REZONING APPLICATION SUMMARY

Property

Address	Parcel Identifier (PID)	Legal Description
2538-2550 Birch Street and 1290-1298 West Broadway	030-417-261	Lot 1 Block 353 District Lot 526 Group 1 New Westminster District Plan EPP81033

Applicant Team

Applicant	Arcadis Architects (Canada) Inc.
Developer	Jameson Development Corp.
Architect	Arcadis Architects
Property Owner	1061511 B.C. LTD.

Statistics

	Permitted Under Existing Zoning		Proposed	
Zoning	CD-1		CD-1	
Site Area	1,743.1 sq. m (18,763 sq. ft.)		1,743.1 sq. m (18,763 sq. ft.)	
Land Use	Mixed-Use		Mixed-Use	
Maximum Height	88 m (288.7 ft.)		88 m (288.7 ft.)	
Maximum FSR	10.55		11.40* *Increase accounts for floor area previously eligible for exemption from FSR	
Maximum Floor Area	18,389.7 sq. m (197,945 sq. ft.)		19,900 sq. m (214,202 sq. ft.)	
Required BMR Floor Area	22% of the total dwelling unit area		100% of the total dwelling unit area	
Unit Mix	Market Rental 10 studio units 117 1-bedroom 61 2-bedroom 12 3-bedroom 200 Total	BMR (formerly MIR) 11 studio units 25 1-bedroom 15 2-bedroom 7 3-bedroom 58 Total	Hotel 9 studio units 126 1-bedroom 60 2-bedroom 7 3-bedroom 202 Total	BMR 12 studio units 16 1-bedroom 16 2-bedroom 12 3-bedroom 56 Total

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