CITY OF VANCOUVER

REFERRAL REPORT

Report Date: January 17, 2024
Contact: Allison Smith
Contact No.: 604.873.7583
RTS No.: 16192
VanRIMS No.: 08-2000-20
Meeting Date: February 6, 2024

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 1065 Pacific Street

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-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

RECOMMENDATION FOR PUBLIC HEARING

A. THAT the application by Buttjes Architecture Inc., on behalf of W.F.C. Properties (Pacific) Inc., the registered owner of the lands located at 1065 Pacific Street [*PID 031-982-956; Lot 1 Block 13 District Lot 185 Group 1 New Westminster District Plan EPP125144*], to rezone the lands from RM-5A (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 2.2 to 11.2 and the maximum building height from 18.3 m (60 ft.) to 91.4 m (300 ft.) to permit the development of a 32-storey residential building containing 180 secured-rental units of which 20% of the residential floor area will be secured as below-market rental units, 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 Buttjes Architecture Inc., received December 13, 2022, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

B. THAT subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 By-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.

C. THAT Recommendations A and 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 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 1065 Pacific Street to permit a 32-storey residential building containing 180 secured-rental housing units, of which 20% of the residential floor area will be secured as below-market rental units (approximately 36 units). The application is enabled by the *West End Community Plan* ("*Plan*"), *Rezoning Policy for the West End*, and the *Criteria for 100% Secured Rental and Below-Market Housing as an Alternative to Inclusionary Social Housing in the Burrard Corridor of the West End Community Plan* ("*West End Rental Policy*").

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)
- West End Community Plan (including West End Public Benefits Strategy) (2013)
- Rezoning Policy for the West End (2013, last amended 2023)
- Criteria for 100% Secured Rental and Below-Market Housing as an Alternative to Inclusionary Social Housing in the Burrard Corridor of the West End Community Plan (2020)

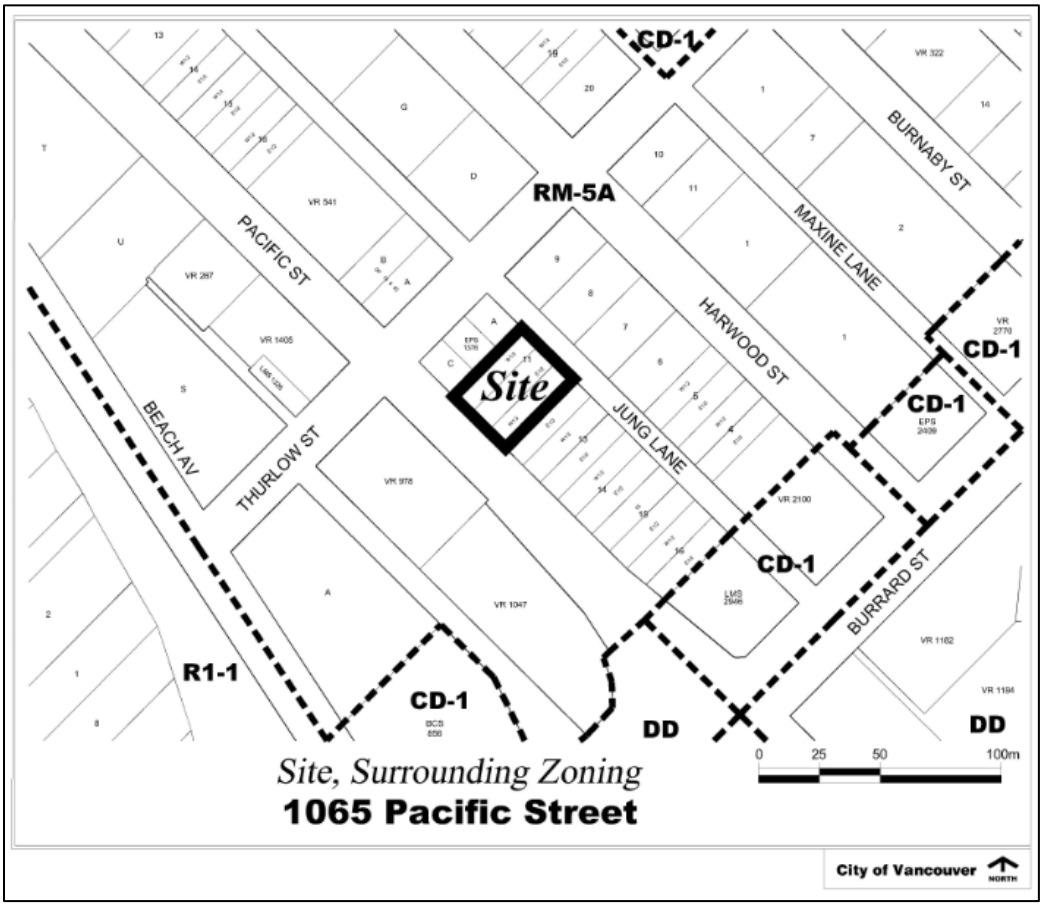
- West End - Tower Form, Siting, and Setbacks Bulletin (2017, last amended 2023)
- Housing Needs Report (2022)
- Housing Vancouver Strategy (2017)
- Tenant Relocation and Protection Policy and Guidelines (2015, last amended 2019)
- Rental Incentive Programs Bulletin (2012, amended 2023)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families With Children Guidelines (1992, last amended 2022)
- Community Amenity Contributions Policy for Rezonings (1999, last amended 2023)
- Public Art Policy and Procedures for Rezoned Developments (2014, last amended 2021)
- Green Buildings Policy for Rezonings (2010, last amended 2023)
- Urban Forest Strategy (2016, amended 2018)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183

REPORT

Background/Context

1. Site and Context

Figure 1: Location Map



The subject site is comprised of one lot on the north side of Pacific Street, between Thurlow Street and Burrard Street (Figure 1). The site area is 1,205.1 sq. m (12,792 sq. ft.), with a frontage of 30.2 m (99 ft.) and depth of 39.9 m (131 ft.). Jung Lane abuts the rear of the site to the north. There is a significant grade change on the site, sloping down from Jung Lane to Pacific Street. The property is currently developed with a three-storey residential building containing 24 rental tenancies that are eligible for protection under the *Tenant Relocation and Protection Policy* (TRPP).

The subject site and surrounding properties are zoned RM-5A (Residential) District, with CD-1- and DD-zoned properties along Burrard Street. The three properties directly west of the site, 1380, 1386 and 1390 Thurlow Street, are single detached dwellings. Both buildings at 1386 and 1390 Thurlow Street are listed on the Vancouver Heritage Register. The Pacific Heights Housing Co-op, directly east of the subject site at 1019-1051 Pacific Street, contains eight buildings listed on the Vancouver Heritage Register.

Neighbourhood Amenities – The following neighbourhood amenities are within close proximity the site:

- **Parks:** Sunset Beach Park (190 m), English Bay Beach Park (400 m), May & Lorne Brown Park (500 m), and Nelson Park (600 m) and George Wainborn Park (700 m).

- **Community Space:** Vancouver Aquatic Centre (220 m), Roundhouse Community Arts and Recreation Centre (1.1 km) and Gordon Neighbourhood House (1.2 km).

- **Childcare:** Little Beach YMCA Child Care Centre (350 m), The Mark Children's Centre (650 m), Charleson Children's Centre (750 m), Nelson Park YMCA Kids Club (800 m), YMCA Coast Capital Savings Early Childhood Centre (850 m) and Sea Star Children's Centre (900 m).

Local School Capacity - The site is located within the catchment area of Lord Roberts Elementary School and King George Secondary School. According to the Vancouver School Board (VSB)'s *2020 Long Range Facilities Plan*, Lord Roberts Elementary School will be operating above capacity in the coming years, at 107% by 2031 and King George Secondary School will be operating over capacity, at 198% by 2031. Coal Harbour Elementary School, which is currently under construction, may create additional capacity.

The VSB report notes that overall enrolment trends for the wider area are changing. The VSB continues to explore options to reduce pressure on schools in this area, monitor development, and work with City staff to help plan for future growth.

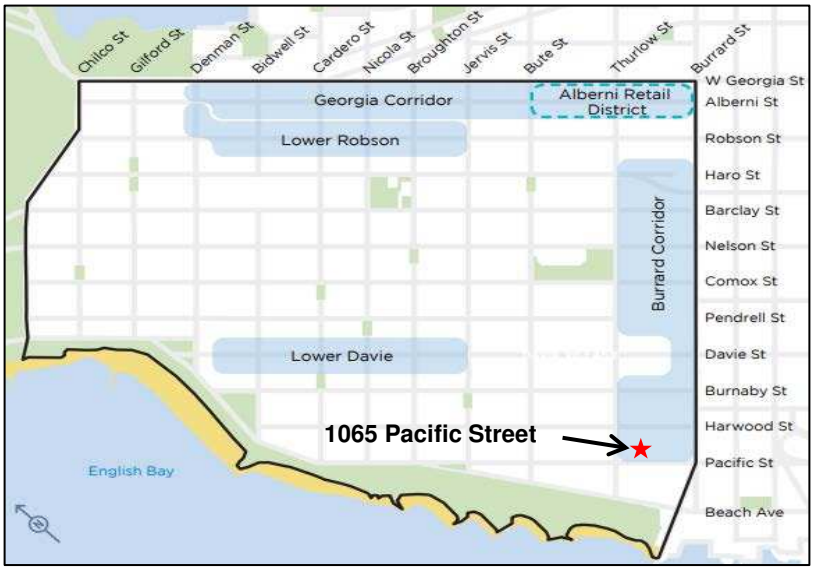
2. Policy Context

Vancouver Plan (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 two to four years. The site is located within the *West End Community Plan,* which is generally in alignment with the *Vancouver Plan*.

West End Community Plan ("Plan") – The *Plan* contains policy directions for land use, built form, housing, public spaces, and amenities to guide growth in the West End until 2041.

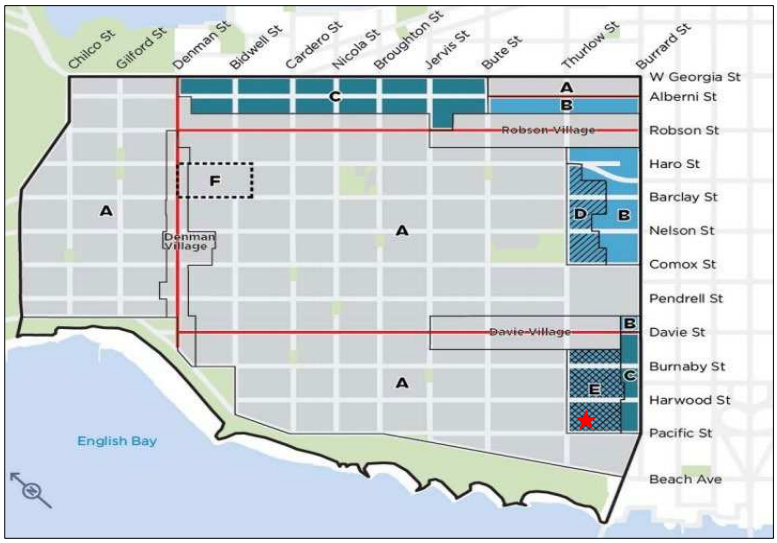
Specifically, the Burrard and Georgia Corridors are identified as suitable for increases in height and density for the provision of additional housing and job space. The subject site is located in the Burrard Corridor, shown in Figure 2.

Figure 1: West End Community Plan Corridors and Neighbourhoods



Rezoning Policy for the West End ("Rezoning Policy") – The *Rezoning Policy* allows consideration of rezoning in the Corridors (Figure 3) should the proposal meet specific criteria. Specifically, rezoning can be considered in the Burrard Corridor if a minimum of 25% of the residential floor area is social housing or one-for-one replacement of existing rental housing with social housing units, whichever is greater. The remaining 75% can be strata-titled residential. The combination of social housing and strata housing is referred to as inclusionary social housing.

Figure 2: Rezoning Policy for the West End (Subject Site in Red)



Criteria for 100% Secured Rental and Below-Market Housing as an Alternative to Inclusionary Social Housing in the Burrard Corridor of the West End Community Plan ("West End Rental Policy") – The *West End Rental Policy* expands the housing tenure options for areas D and E in the Burrard Corridor beyond inclusionary housing. Applicants can select to pursue a rezoning for 100% secured-rental with 20% of the residential floor area at below-market rental (BMR) rates instead of inclusionary social housing. This applicant, whose site is located in area E, has opted to pursue the secured rental option with 20% of the residential floor area as BMR.

Housing Needs Report – On April 27, 2022, Council resolved at a public meeting to receive a *Housing Needs Report* (*HNR*) by staff. Further to the BC Provincial government's requirement, Council must consider the most recent *HNR* when developing a development plan, or when amending a plan in relation to affordable, rental, and special needs housing.

If approved, this rezoning would facilitate the delivery of secured rental housing including a component of below market units and address the data and findings within the *HNR*.

Strategic Analysis

1. Proposal

Figure 4: Views of Proposed Building from Pacific Street



This application would permit a 32-storey secured-rental building with 20% of the residential floor area secured at below-market rental rates. The project includes 144 market rental and 36 below-market rental units. A total floor area of 13,497 sq. m (145,280 sq. ft.), an FSR of 11.2 and a building height of 91.4 m (300 ft.) are recommended. The project includes five levels of underground parking accessed from Jung Lane.

2. Land Use

The site is zoned RM-5A which permits primarily residential with limited commercial and institutional uses. This proposal for residential is consistent with the *West End Rental Policy* that anticipates housing at this location.

3. Form of Development, Height and Density

(Refer to application drawings in Appendix F and project statistics in Appendix I)

In assessing urban design performance, staff are guided by the *West End -Tower Form, Siting and Setbacks Administrative Bulletin* ("Bulletin"). The *Bulletin* establishes urban design criteria with guidance on tower typologies, sitting, massing, solar access, tower width and separation, and building articulation.

Site Frontage – The *Bulletin* anticipates a minimum site frontage of 39.6 m (130 ft.) to be considered for a tower development, while the site includes a frontage of just 30.5 m (100 ft.). The *Plan* allows consideration of proposals on sites with frontages of less than 39.6 m (130 ft.), where proposals include contributions to the Public Benefits Strategy, including secured-rental housing as is proposed in this rezoning application.

Due to the heritage value of the adjacent properties on Thurlow Street, staff do not anticipate these sites to redevelop for a future tower. The Pacific Heights Housing Co-op to the east on Pacific Street also includes a number of heritage resources. The proposal provides sufficient tower separation to accommodate potential future tower development on this site. Staff have reviewed the proposal and support a reduced frontage for this rezoning application due to the presence of adjacent heritage assets limiting the potential for future tower developments on this block.

Density – The *Plan* does not establish a density limit. Instead, a maximum height and form of development criteria guide the achievable density for new developments in the Burrard Corridor. After considering the form of development criteria and urban design performance, staff recommend support for the proposed density of 11.2 FSR, subject to design conditions in Appendix B.

Height – The *Plan* allows for consideration of tower developments for sites in this part of the Burrard Corridor up to 91.4 m (300 ft.). Staff support the proposed height of 91.4 m (300 ft.), subject to conditions in Appendix B, as this is consistent with the expectations of the *Plan*.

Setbacks – The *Bulletin* anticipates a minimum interior side yard setback of 3.7 m (12 ft.). Staff have included a condition in Appendix B requiring the provision of a 3.7 m (12 ft.) interior setback from the proposed tower along both shared property lines, including the properties containing the heritage houses on Thurlow Street (see Figure in Appendix F).

Public Realm – The application proposes a small forecourt entry to the building that is flush with the existing sidewalk on Pacific Street. The forecourt provides opportunities for

landscaping, seating, art and bicycle parking. In addition, two ground-oriented units with raised patios further activate the Pacific Street frontage. Conditions in Appendix B require minor improvements to this frontage to ensure high-quality material and landscape treatments contribute to pedestrian interest and any potential Crime Prevention Through Environmental Design (CPTED) concerns are mitigated.

Site Interface – The current proposal results in privacy and overlook concerns with neighbouring properties, in particular the heritage homes on Thurlow Street. Conditions in Appendix B require several design strategies be employed to mitigate any potential issues, including minor revisions to unit layouts and window placement on two ground level units, privacy screening for patios where necessary, and additional landscape screening along the full extent of the east and west interfaces of the level three outdoor amenity terrace.

Shared Amenity Areas – The proposal includes indoor and outdoor amenity areas occupying the entire third floor of the building. Staff have included conditions in Appendix B requiring design development to ensure a contiguous indoor amenity area with clear visibility to the children's play area and to increase landscape screenings on the outdoor amenity areas to improve privacy for neighbouring properties.

Urban Design Panel (UDP) – The rezoning application was reviewed by the UDP on May 10, 2023 and was supported with recommendations (see Appendix D). The Panel recommended further development of the east and west tower elevations to better contribute to the skyline and to improve the interface with the heritage homes on Thurlow Street. Panel recommendations are reflected in the conditions of approval in Appendix B. The applicant has submitted preliminary drawings demonstrating a response to Panel recommendations and rezoning conditions (see Figure 5).

Figure 5: Preliminary Elevation Exploration to Address Rezoning Condition 1.4



Staff have reviewed the rezoning application and concluded that the proposed design is an appropriate response to the *Plan*, and recommend approval of the proposed form of development subject to conditions 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 180 rental housing units, including approximately 36 below-market rental units, to the City's inventory of rental housing, which contribute to the Strategy's targets (see Figure 6).

Figure 6: Progress Towards 10-Year Housing Vancouver Targets for Purpose-Built Market and Developer-Owned Below-Market Rental Housing as of September 31, 2023

Housing Type	CATEGORY	10-YEAR TARGETS	Units Approved Towards Targets
Purpose-Built Secured Rental Housing Units	Market Rental	16,000	14,907 (93%)
	Developer-Owned Below-Market Rental	4,000	1,511 (38%)
	Total	20,000	16,418 (82%)

**Note that tracking progress towards 10-year Housing Vancouver targets began in 2017.*
**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 2022, the purpose-built apartment vacancy rate was 0.9% in Vancouver. The vacancy rate (based on the Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the English Bay neighbourhood is at 0.9%. A vacancy rate of 3% to 5% is considered to represent a balanced market.

Housing Mix - The *Family Room: Housing Mix Policy for Rezoning Projects* policy requires a minimum of 35% family units for rental buildings. This application proposes 35% family units in a mix of two-bedroom and three-bedroom units, thereby meeting the policy. These units must be designed in accordance with the *High Density Housing for Families with Children Guidelines*. The application as proposed is consistent with the policy and a provision is included in the CD-1 By-law to meet the minimum unit mix requirements.

Average Rents and Income Thresholds – Figure 7 below sets out the average rents for below-market rental units based on the CMHC Average Market Rent for the English Bay neighbourhood (i.e. Zone 2). A minimum of 20% of the residential floor area that is counted in the calculation of the floor space ratio will be secured as BMR units, in accordance with the *West End Rental Policy*.

At a minimum, 70% of the BMR units are to be rented at 20% below the CMHC Average Market Rent for Zone 2, and 30% of the BMR units will be rented at 50% below the CMHC Average Market Rent for Zone 2. Starting rents for the initial occupants would be calculated using the Average Market Rents for Zone 2 at the time of occupancy. On unit turnover, rents for the BMR units will be reset to the same CMHC discount as applied at initial occupancy, calculated using the CMHC Average Market Rent at the time of unit turnover.

Figure 7: Below-Market Units Average Starting Rents

	Proposed Average Unit Size (sq. ft.)	20% Below Zone 2 Average Market Rent[1]	Annual Income Required to Afford Below-Market Unit	50% Below Zone 2 Average Market Rent[1]	Annual Income Required to Afford Below-Market Unit
1-bed	502	$1,404	$56,160	$878	$35,120
2-bed	796	$2,056	$82,240	$1,285	$51,400
3-bed	1,261	$2,523	$100,920	$1,577	$63,080

1. *From October 2022 CMHC Rental Market Survey for Zone 2 (English Bay) except the three-bedroom rents are based on 2021 average rents because no Zone 2 data was available in 2022 for that unit type.*

Figure 8: Market Rents in Newer Buildings, Cost of Ownership and Household Incomes Served

	Average Market Rent in Newer Buildings – Westside (CMHC, 2022)[1]	Annual Income Required to Afford Average Market Rent in Newer Buildings	Monthly Costs of Ownership for Median-Priced Unit – Westside – 20% Down payment[3]	Annual Income Required to Afford Monthly Costs for Ownership	Starting down payment required at 20%
Studio	$1,938	$77,520	$2,837	$113,480	$106,000
1-bed	$2,209	$88,360	$3,473	$138,920	$132,000
2-bed	$3,411	$136,440	$5,193	$207,720	$198,400
3-bed	$4,426	$177,040	$7,982	$319,280	$311,890

1. *From October 2022 CMHC Rental Market Survey for buildings completed in 2011 or later on the Westside.*
2. *For studio, 1-, 2-, and 3-bedroom units, the maximum DCL rents are the average rents for all residential units built since the year 2005 in the City of Vancouver as published by CMHC in the fall 2022 Rental Market Survey.*
3. *Assumptions: Median of all BC Assessment sales prices on the Westside in 2022 by unit type, 20% down payment, 5% mortgage rate (in-line with Bank of Canada), 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).*

The market and below-market rental housing component will provide options that are more affordable than home ownership, illustrated in Figure 8.

To be eligible for a BMR unit, a household's gross annual income must not exceed the income requirements for the unit type, with at least one household member per bedroom. Per the *West End Rental Policy*, eligibility requirements for the below-market units are described in the *Rental Incentive Programs Bulletin*. All residents will have access to common indoor and outdoor amenities.

Existing Tenants – The rezoning site contains existing rental residential tenancies, including 24 tenancies in primary rental housing. All 24 existing residential tenancies are eligible under the

City's *Tenant Relocation and Protection Policy* (*TRPP*). The applicant has provided a *Tenant Relocation Plan* (*TRP*) for eligible tenants which meets the requirements of the City's *TRPP*, which is summarized in Appendix E of this report.

All residential tenancies are protected under the provincial Residential Tenancy Act.

5. Transportation and Parking

The site is well served by public transit, with bus service along Pacific, Davie, Burrard and Granville Streets and the Yaletown-Roundhouse Skytrain station located approximately one km from the site. The Pacific, Beach, Burrard and Hornby Bikeways are within close proximity.

The application proposes 95 vehicle parking spaces over five levels, accessed via a car elevator from Jung Lane. The application will comply with the provisions of the Parking By-law and a Transportation Demand Management (TDM) Plan will be required at the time of the development permit application.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezonings* requires that rezoning applications satisfy the green and resilient building conditions stated within the Policy. The applicant has submitted preliminary modelling analysis detailing design and construction strategies to meet anticipated energy & 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 preserve, 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.

There are three street trees in total on City lands adjoining the site and protection of these street trees during construction is required. There are four existing by-law sized trees on the site, all of which are proposed for removal. Staff recommend design development to provide an improved tree strategy by making every effort to retain as many existing viable trees as possible, or to provide a more robust replacement tree program to mitigate the loss of large on-site trees (see Landscape Conditions in Appendix B).

7. Public Input

Public Notification – A rezoning information sign was installed on the site on January 23, 2023. Approximately 9,139 notification postcards were distributed within the neighbouring area on or about February 16, 2023. Application information and an online comment form was provided on the Shape Your City (shapeyourcity.ca/) platform.

Virtual Open House/Question and Answer Period– A virtual open house was held from February 20, 2023 to March 12, 2023. Questions were submitted by the public and posted with a response over a three week period. A digital model was made available for online viewing. A total of 309 visitors accessed the webpage during this period.

A virtual approach allowed people to access materials online and engage at different levels at a time and location of their choosing. Members of the public could submit questions, which staff actively monitored and responded to publicly.

Public Response and Comments – Public input is collected via online questions, comment forms, through email, and by phone. A total of 66 submissions were received.

Figure 9: 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:

- **Height, density, and massing:** The height, density, and massing of the building is appropriate. Density is supported at this location.
- **Affordable and rental housing:** The proposed development adds much needed market and below-market rental units to the neighbourhood. Consider including a higher percentage of below-market units to this development.

Generally, comments of concern fell within the following areas:

- **Height and shadowing:** The height of the proposal would be too tall in an area that only has low- to mid-rise developments. The building will shadow neighbouring properties and residents will experience a significant loss of sunlight.
- **Frontage and setback:** This development is too close to surrounding buildings. Frontage and setbacks are reduced too far below policy requirements.
- **Neighbourhood character:** The development takes away from the neighbourhood character by not visually integrating with the surrounding heritage and co-op buildings.

- **Noise, privacy, and views:** The proposed development would increase noise pollution, block views of the skyline, and reduce privacy for neighbouring apartments. Construction would be disruptive; causing property damage, reduced access to properties, blocked roads and dust pollution.

- **Traffic congestion:** Traffic congestion will worsen with the level of increased density in this proposal. Safety will be reduced for pedestrians and cyclists. Also, restrictions or a potential closure to Jung Lane at its west end during construction is concerning.

Response to Comments – The proposed height is in keeping with the *Plan*'s expectations for development in this area and the project demonstrates appropriate shadow performance, as per the *Plan* and *Bulletin* objectives. The *Plan* permits consideration of tower developments on sites with frontages of less than 39.6 m (130 ft.) for projects including secured market rental housing, as is proposed in this application. Staff have included a condition in Appendix B requiring the applicant to meet the *Bulletin*'s interior side yard setback requirement of 3.65 m (12 ft.) to both shared property lines. See the Form of Development section of this report for further analysis on the site frontage.

In terms of impacts on neighbourhood character, the proposal is generally in keeping with the form of development anticipated in the *Plan* and the *Bulletin.* Staff have included conditions in Appendix B to ensure the building has high quality architectural expression, and to improve the relationship with neighbouring properties and privacy impacts through the provision of planting buffers at the podium level.

Construction impacts on City streets, including through private development, are tracked on the City of Vancouver's website. The City also has a Noise Control By-law which limits construction-related noise for private development to weekdays and Saturdays. The developer is required to meet with and coordinate construction and street use with Engineering prior to construction. They must also obtain appropriate permits to secure street space. Any street closures must be permitted in advance with proper traffic management plans approved and proper neighbourhood notification in advance.

8. Public Benefits

Community Amenity Contributions (CAC) – Within the context of the City's *Financing Growth Policy*, an offer of a Community Amenity Contribution (CAC) to address the impacts of rezoning can be anticipated from the owner of a rezoning site. CAC offers typically include either on-site amenities or a cash contribution towards other public benefits.

Above and beyond the 20% residential floor area (approximately 36 residential units) secured as BMR units, no additional CAC will be required.

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

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

Based on rates in effect as of September 30, 2023 and the proposed 13,497 sq. m (145,280 sq. ft) of residential floor space, it is expected that the project will pay a Utilities DCL of $1,984,599, should it achieve the maximum 11.2 FSR. The value of the anticipated City-wide DCL waiver for the residential floor area is estimated to be $3,167,071.

Public Art Program – The application is subject to a public art contribution estimated at $287,654. 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).

See Appendix H for a summary of the public benefits for this application and Appendix G for the West End Public Benefits Implementation Dashboard.

Financial Implications

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

CONCLUSION

Staff conclude that the proposed land use, form of development and public benefits are consistent with the *West End Community Plan* and *West End Rental Policy*. Further, the proposed secured-rental and below-market rental units will advance the City's rental and affordable housing targets.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with a draft CD-1 By-law as generally shown in Appendix A. Further, it is recommended that, subject to the Public Hearing, the application including the form of development, as shown in the plans in Appendix F, be approved in principle, subject to the applicant fulfilling the Conditions of Approval in Appendix B.

* * * * *

1065 Pacific Street

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 6.4 of this By-law; and

   (b) “Below-market Rental Housing Units” means dwelling units where the rents are set, at the commencement of each tenancy, at rates that do not exceed either 20% or 50% below the Canada Mortgage Housing Corporation (CMHC) average rents for Zone 2 (English Bay), all as secured by a housing agreement registered on title to the property.

Uses

4. Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this by-law or in a development permit, the only uses permitted within this CD-1 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

(a) Dwelling Uses, limited to Apartment;

(b) Utility and Communication Uses; and

(c) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

5.1 A minimum of 20% of the total dwelling unit area must be below-market rental housing units.

5.2 The design and layout of at least 35% of the total number of below-market rental housing units and at least 35% of the total number of other dwelling units must:

(a) be suitable for family housing; and

(b) have 2 or more bedrooms.

Floor Area and Density

6.1 Computation of floor area must assume that the site area is 1,205.1 m^2, being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.

6.2 The maximum floor space ratio for all uses combined is 11.2.

6.3 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.

6.4 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 m^2 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.

6.5 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.

6.6 Where floor area associated with residential storage area is excluded, a minimum of 20% of excluded floor area above base surface must be located within the below-market rental housing units as storage area.

Building Height

7.1 Building height must not exceed 91.4 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 mechanical rooms or appurtenances including elevator overrun, mechanical screens and rooftop access structures, the height of the portions of the building with the permitted mechanical rooms or appurtenances must not exceed 101.3 m.

Horizontal Angle of Daylight

8.1 Each habitable room must have at least 1 window on an exterior wall of a building.

8.2 For the purposes of section 8.1 above, habitable room means any room except a bathroom or a kitchen.

8.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

8.4 The plane or planes referred to in section 8.3 above must be measured horizontally from the centre of the bottom of each window.

8.5 An obstruction referred to in section 8.3 above means:

(a) any part of the same building excluding permitted projections; or

(b) the largest building permitted on any adjoining site.

8.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if:

(a) the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines; and

(b) the minimum distance of unobstructed view is at least 3.7 m.

* * * * *

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 Buttjes Architecture Inc., received December 13, 2022, and provides that the Director of Planning may allow minor alterations to this form of development when considering the detailed scheme of development submitted with the development application.

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

Urban Design

1.1 Design development to provide a minimum 12 ft. side yard setback to the adjacent properties on Thurlow Street, as anticipated in the *Plan*.

1.2 Design development to enhance overall project livability, including:

(a) Resolving privacy and overlook issues with the two-bedroom unit on Level 2 oriented only towards the west shared property line by repurposing this space for bulk storage, common amenity and/or expanded adjacent units;

(b) Resolving privacy and overlook issues with the two-bedroom unit on Level 2 oriented towards the lane by revising secondary living room window facing shared property line to be clerestory and providing full height privacy screening on patio(s) adjacent to the shared property line;

(c) Providing additional privacy landscape screening on the Level 3 outdoor amenity deck along the full extent of the west and east edges; and

(d) Providing mirrored elevations indicating locations of existing and proposed windows facing both shared property lines to ensure privacy and overlook concerns have been addressed.

1.3 Design development to eliminate extruded building core condition by extending adjacent units to be generally flush with the core while maintaining a 30 ft. tower setback to the east.

Note to Applicant: The intent of this condition is to relocate floor area currently within the west setback and to provide opportunity to further enhance the east elevation.

1.4 Design development to enhance the architectural expression of the tower to further contribute to the skyline of the West End as follows:

(a) Providing further articulation of the east elevation to address the blank exposed core wall condition;

Note to Applicant: It is strongly encouraged to explore wrapped balconies that extend over the blank core wall in a stepped or patterned form running up the building. Other solutions could include architectural lighting, variety in material and color application, inclusion of additional glazing and/or other similar architectural means visible from the distant public view, including crossing the Burrard Bridge.

(b) Providing further horizontal and vertical articulation on the west elevation to break up the appearance of a relentless grid and perceived flatness of the façade;

Note to Applicant: This may be achieved by introducing additional depth and relief to enhance shadow lines and by providing additional variety in façade rhythm and window patterning and/or variety in material application;

(c) Providing a revised treatment and expression of the two uppermost residential levels; and

Note to Applicant: this should include reduction or removal of balconies located on the north and south elevations and reconsideration of the proposed green roof overhang. It is strongly encouraged to explore providing three-bedroom units, as well as studios with Juliet balconies (for these top two levels only) in order to reduce the overall extent of balcony and vary the expression of these upper two levels with the intent of providing more clearly differentiated tower top and middle expressions and accentuating verticality.

(d) Providing with a Development Permit application details of an intrinsically high-quality material palette.

Note to Applicant: It should be clearly demonstrated how materials are used to provide additional texture and variety to break down the apparent scale of the building and enhance visual interest at the distant, middle and near view.

1.5 Design development to enhance the overall site design through the following:

(a) An improved interface with the adjacent property to the east by treating the proposed blank loading wall, providing enhanced landscape treatments and mitigating any potential CPTED concerns; and

(b) An improved public realm interface along Pacific Street by providing high quality, durable and human-scale material and landscape treatments that contribute to pedestrian interest and mitigating any potential CPTED concerns with proposed exit corridor at northwest corner.

Crime Prevention through Environmental Design (CPTED)

1.6 Provision of Crime Prevention Through Environmental Design (CPTED) Plan, incorporating CPTED principles.

Landscape

1.7 Design development to improve privacy to the west properties by the provision of more substantial planting buffers at the podium level.

1.8 Design development to ensure a contiguous indoor amenity area with clear visibility to the children's play area.

1.9 Design development to improve the sustainability strategy, by the following:

(a) Consider providing intensive and/or extensive green roofs on all available flat roofs;

(b) Add substantially more landscape around all entry areas, to accent and soften them;

(c) Add vines to any blank wall facades, ensuring the vine support is sturdy and low maintenance (avoid high maintenance modular "green wall" systems);

(d) Add planters with overarching shrubs to common upper level decks, to be visually accessible from below, softening the edges and consisting of woody evergreen plant material for year-round presence; and

(e) Add edible plants, which can be used as ornamentals as part of the landscape design, in addition to urban agriculture plots.

1.10 Design development to ensure the intended landscape design is carried into the future by adequate maintenance, as follows:

(a) Provide common maintenance access to all planted common areas; and

(b) Provide a high efficiency irrigation system for all planted areas.

1.11 Provision of coordination between Landscape Plan and architectural Site Plan, for most updated information.

1.12 Provision of complete information, such as references on the Roof Deck Plan, confirming all landscape elements.

Additional Standard Landscape Conditions at the time of DP Application:

1.13 Provision of a detailed Landscape Plan illustrating soft and hard landscaping.

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

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

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.

1.15 Provision of a Tree Management Plan as part of the Landscape Plans, in coordination with arborist report Tree Management Plan.

Note to Applicant: It is preferred that the arborist tree management plan become the primary document for tree removal/ protection related matters.

1.16 Provision of an arborist "letter of undertaking" to include signatures by the owner, contractor and arborist.

Note to Applicant: the signatures confirm that all parties are aware of the roles and responsibilities and that the project is on track to satisfy the steps and recommendations outlined by the arborist. For example, advanced planning will be needed to ensure that certain works, such as site supervision checkpoints, are coordinated.

1.17 Coordination for the provision of new street trees or any proposed City-owned tree removals adjacent to the development site, where applicable.

Note to Applicant: New street trees to be shown and confirmed on the development permit plans. Contact Engineering (604.871.6131) to confirm tree planting locations and Park Board (604.257.8587) for tree species selection and planting requirements. Provide a notation on the plan as follows, "*Final spacing, quantity and tree species to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6cm caliper, and installed with approved root barriers, tree guards and appropriate soil. Root barriers shall be 8 feet long and 18 inches deep. Planting depth of root ball must be below sidewalk grade. Call Park Board for inspection after tree planting completion*".

1.18 Provision of an outdoor Lighting Plan.

Sustainability

1.19 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings* (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 Rezonings – Process and Requirements.

Engineering

1.20 Provision of any gas service to connect directly to the building without any portion of the service connection above grade within the road right of way.

1.21 Provision of 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 if shotcrete will be required for the site.

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 building occupancy. 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

1.22 The owner or representative is advised 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

1.23 Design development to improve access and design of bicycle parking by performing the following:

(a) Provision of automatic door openers for all doors providing access to Class A bicycle storage; and

(b) Provision of Class A bicycle lockers to accommodate 1 standard sized bicycle.

Note to Applicant: Engineering do not support oversized lockers. Provided oversized Class A bicycle spaces as standard spaces with a rack only.

1.24 Provision of a finalized Transportation Demand Management (TDM) Plan to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Amendments to the Parking Bylaw and Transportation Demand Management Administrative Bulletin, approved by Council on November 15, 2023, will come into effect on January 1, 2024 and apply to all development permits received after this date.

1.25 Provision of the following information as part of the architectural drawing submission at the development permit stage to facilitate a complete Transportation review:

(a) Dimensions for typical parking spaces;

(b) Section drawings showing elevations and minimum vertical clearances for parking levels;

Note to Applicant: These clearances must consider mechanical projections and built obstructions.

(c) Additional partial section plan of the vehicle freight elevator to confirm minimum vertical clearance provided for accessible sized vehicles;

(d) Areas of minimum vertical clearances labelled on parking levels; and

(e) The location of all poles and guy wires to be shown on the site plan.

Note to applicant: Confirm relocation of any conflicting poles in the lane.

Note to Applicant: Amendments to the Parking Bylaw for vehicle and loading spaces, and the Transportation Demand Management Administrative Bulletin, approved by Council on November 15, 2023, will come into effect on January 1, 2024 and apply to all development permits received after this date.

1.26 This development will be required to provide on-site rainwater management in accordance with Building By-law requirements (Book II, Division B, Article 2.4.2.5) in effect in January 2024.

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

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

1.28 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.

1.29 Submission a Key Plan by the applicant and approved by the City prior to any third party utility drawing submissions. It is highly recommended that the applicant submit a Key Plan to the City for review as part of the Building Permit application. 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 is to be shown on the plan (e.g., BC Hydro, Telus, Shaw, etc.) and the applicant is to provide documented acceptance from the third party utilities prior to submitting to the City.

Note to Applicant: 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.

1.30 The following statement is to be placed on the landscape plan:

"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."

1.31 Show all City supplied building grades on landscape and architectural plans. To minimize grade differences, interpolate a continuous grade between the elevations provided on the City supplied building grades plan.

Housing

1.32 The proposed market rental unit mix, including 94 one-bedroom units (65%) and 50 two-bedroom units (35%) are to be included in the development permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the dwelling units designed to be suitable for families with children.

Note to Applicant: Integrating three-bedroom market rental units is highly encouraged.

1.33 The proposed below-market rental unit mix, including 23 one-bedroom units (64%), 12 two-bedroom units (33%), and 1 three-bedroom unit (3%) are to be included in the development permit drawings.

Note to Applicant: Any changes in the unit mix from the rezoning application may only be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the below-market rental units designed to be suitable for families with children.

Note to Applicant: Integrating studio units and additional three-bedroom units in the below market component is highly encouraged.

1.34 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, in suite storage is highly encouraged (S. 4.4.2);

(c) A multi-purpose indoor amenity space appropriate in size for the scale of the project, with a wheelchair accessible washroom and kitchenette, and positioning this adjacent to the children's play area to enable parental supervision from the amenity room (S. 3.7.3); and

Note to Applicant: Recommend to relocate the children's play area so that it is adjacent to the indoor amenity room to allow for parental supervision.

(d) A balcony for each unit with 1.8 by 2.7 m minimum dimensions (S. 4.3.2). Applicant to include the dimensions on the development permit drawings.

PART 2: CONDITIONS OF BY-LAW ENACTMENT

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

Engineering

2.1 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for consolidation of West 1/2 and the East 1/2 of Lot

11 and the West 1/2 of Lot 12, all of Block 13, District Lot 185, Plan 92 to create a single parcel.

2.2 Provision of a signed and sealed memo prepared by an engineer indicating whether the proposed development will have (or potential to have) negative impacts to the existing City-built retaining wall from both a structural and geotechnical perspective. If no negative impacts are anticipated, please provide rationale in the signed and sealed memo.

Note to Applicant: The City-built retaining wall and soil anchors support the property at 1390 Thurlow Street. This wall interfaces with the existing retaining wall of the proposed development site.

2.3 Provision of a Services Agreement to detail the on-site 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. 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.

(i) Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Ron Wong & Associates Ltd. dated October 20,2022, no water main upgrades are required to service the development.

Note to Applicant: The main servicing the proposed development is 300 mm along Pacific St. The developer is responsible for 100% of the cost of any upgrading. The maximum water service connection size is 300 mm.

Note to 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.

(i) Implementation of development(s) at 1065 Pacific Street require the following:

No sewer upgrade is required.

Note to Applicant: Development to be serviced to the existing 375 mm SAN and 300 mm STM sewers on Pacific Street.

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

2.4 Provision of all third party utility services (e.g., BC Hydro, Telus and Shaw) to be underground. BC Hydro service to the site shall be primary.

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. Submission of a written confirmation from BC Hydro that all these items will be located on the development property.

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

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 Section 219 Covenant to secure all residential units as secured rental housing units, 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 secured as below-market rental housing units ("below-market rental units") subject to the conditions set out below for such units and in accordance with the requirements set out in the "*Criteria for 100% Secured Rental and Below-Market Housing as an Alternative to Inclusionary Social Housing in the Burrard Corridor of the West End Community Plan*", for the longer of 60 years and the life of the building, and the Housing Agreement and Section 219 Covenant will include, but not be limited to the following terms:

(a) A no separate sale covenant;

(b) A no stratification covenant;

(c) A provision that none of such units will be rented for less than one month at a time;

(d) The initial starting monthly rents for the below-market rental units will be comprised of the following:

(i) 30% of the below-market rental units will, subject to condition 2.5 (i), be rented at rates at or below an amount that is 50% below the CMHC average market rent for zone 2 according to the 'CMHC Rental Market Survey' publication that are current at the time of Occupancy Permit issuance; and

(ii) 70% of the below-market rental units will, subject to condition 2.5 (i), be rented at rates at or below an amount that is 20% below the CMHC

average market rent for zone 2 according to the 'CMHC Rental Market Survey' publication that are current at the time of Occupancy Permit issuance;

except that in the event that average market rent data for zone 2 is unavailable in the 'CMHC Rental Market Survey' publication current at the time of unit initial occupancy or change of tenancy (as described in (e) below), below-market rental unit rents will be based on other appropriate data available in the Canada Mortgage and Housing Corporation's Rental Market Report or Information Portal, as approved by the Director of Planning, Urban Design and Sustainability:

(e) Following initial occupancy, on a change in tenancy for a below-market rental unit, the starting rent for such new tenancy will be reset to rent, as determined by the formula in Condition 2.5(i), (i) or (ii), that initially applied to such below-market rental unit, that is current at the time of the change in tenancy;

(f) The applicant will verify eligibility of tenants for the below-market rental units, based on the following:

(i) For new tenants:

(a) annual household income cannot exceed four times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and

(b) there must be at least one occupant per bedroom in the unit.

(ii) The applicant will verify the ongoing eligibility of existing tenants in the units secured at below-market rates every five (5) years after the initial occupancy:

(a) 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;

(b) there must be at least one occupant per bedroom in the unit.

(g) 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 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 units, and a summary of the results of eligibility testing for these units;

(h) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require in their sole discretion; and

(i) As the applicant has requested to seek a waiver of the Development Cost Levies ("DCL") pursuant to Section 3.1A of the Vancouver Development Cost Levy

By-law No.9755 (the "DCL By-law"), the Housing Agreement and Section 219 Covenant, will also include the following terms and conditions:

(i) A rent roll will be provided for review and confirmation by the General Manager of Planning, Urban Design and Sustainability, indicating the agreed initial monthly rents for below-market rental units at occupancy permit issuance;

(ii) The average starting monthly rents for each unit type will for initial occupancy not exceed the rents outlined by Section 3.1A(c) of the DCL By-Law.

2.6 Enter into a Section 219 Covenant and/or such other agreements as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services determine are necessary to require the applicant to:

(a) Provide a Tenant Relocation Plan to the satisfaction of the General Manager of Planning, Urban Design and Sustainability as per the *Tenant Relocation and Protection Policy* that is effective at the time of submission of the Development Permit Application.

(b) Provide a notarized declaration prior to issuance of the Development Permit that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each 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 whether each tenant has indicated interest in the Right of First Refusal to return to the new building (if applicable); the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant) and their total compensation amount(s); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan.

Note to Applicant: If a long period of time elapses between Public Hearing and before issuance of Demolition Permit, the City may request an additional Interim Tenant Relocation Report be submitted.

(d) Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to the names of tenants; whether each tenant has taken up the Right of First Refusal in the new building (if applicable) and their starting rent; and for those not returning to

the new building, the outcome of their search for alternate accommodations; summarize the total monetary value given to each tenant (moving costs, rents, any other compensation); and include a summary of all communication provided to the tenants.

Public Art

2.7 Execute an agreement satisfactory to the Director of Legal Services and the Managing Director of Cultural Services for the provision of public art in accordance with the City's Public Art Policy, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials.

2.8 Provide development details to the satisfaction of the Head of Public Art (a Public Art Checklist will be provided) confirming the selection of Option A, art on site, or Option B, 80% cash-in-lieu of art.

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

Environmental Contamination

2.9 The following conditions must be met prior to enactment of the rezoning:

(a) Submit a site disclosure statement to Environmental Services;

(b) As required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, do all things and/or enter into such agreements deemed necessary to fulfill the requirements of Section 571(B) of the Vancouver Charter; and

(c) If required by the Manager of Environmental Services and the Director of Legal Services, in their discretion, enter into a remediation agreement for the remediation of the site and any contaminants which have migrated from the site on terms and conditions satisfactory to the Manager of Environmental Services, the General Manager of Engineering Services and Director of Legal Services, including a Section 219 Covenant that there will be no occupancy of any buildings or improvements constructed on the site pursuant to this rezoning until separate Certificates of Compliance, satisfactory to the City, for the on-site and off-site contamination, issued by the BC Ministry of Environment and Climate Change Strategy, have been provided to the City.

Agreements

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

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered

advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-laws at no cost to the City.

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

* * * * *

1065 PACIFIC STREET

PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

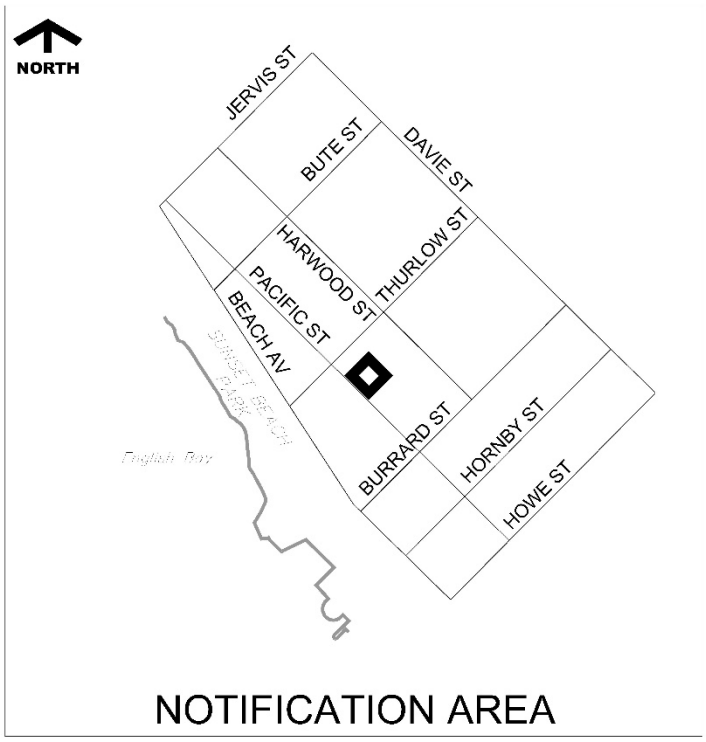
	Date	Results
Events		
Virtual open house (City-led)	February 20, 2023 – March 12, 2023	309 participants (aware)* • 132 informed • 38 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and virtual open house	February 16, 2023	9,139 notices mailed
Public Responses		
Online questions	February 20, 2023 – March 12, 2023	3 submittals
Online comment forms • Shape Your City platform	January 2023 – November 2023	52 submittals
Overall position • support • opposed • mixed	January 2023 – November 2023	52 submittals • 8 responses • 30 responses • 13 responses
Other input	January 2023 – November 2023	11 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	January 2023 – November 2023	1323 participants (aware)* • 450 informed • 52 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:

- **Height, density, and massing:** The height, density, and massing of the building is appropriate. Density is supported at this location.

- **Affordable and rental housing:** The proposed development adds much needed market and below-market rental units to the neighbourhood. Consider including a higher percentage of below-market units to this development.

Generally, comments of concern fell within the following areas:

- **Height and shadowing:** The height of the proposal would be too tall in an area that only has low to mid rise developments. The building will shadow neighbouring properties and residents will experience a significant loss of sunlight.

- **Noise, privacy, and views:** The proposed development would increase noise pollution, block views of the skyline, and reduce privacy for neighbouring apartments. Construction would be disruptive, causing property damage, reduced access to properties, blocked roads and dust pollution.

- **Neighbourhood character:** The development takes away from the neighbourhood character by not visually incorporating with the surrounding heritage and co-op buildings.

- **Traffic congestion:** Traffic congestion will worsen with the level of increased density in this proposal. Safety will be reduced for pedestrians and cyclists. Also, restrictions or closure to Jung Lane at its west end during construction is concerning. The only exit point would be the east end of the lane, but with the right turn from Burrard Street onto Pacific Street blocked off, this would greatly inconvenience commuters.

- **Frontage and setback:** This development is too close to surrounding buildings. Frontage and setback are reduced too far below building code requirements.

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:

- Vehicle parking is appropriate. The removal of the fifth level underground parking is ideal.

General comments of concern:

- There are not enough amenities, like health services and grocery stores, to support this level of increased density.
- There is not adequate surrounding infrastructure, like traffic routing, garbage services, and emergency services, to support increased density.
- The rendering and digital model are unclear and misleading in representing the building and shadowing, because the proposed surrounding buildings are not included.

Neutral comments/suggestions/recommendations:

- Road upgrades and improved traffic infrastructure are needed. Consider new signage and traffic lights, traffic calming measures, pedestrian-forward initiatives, and the removal of the temporary Beach Avenue bike lane.
- Consider character housing in new builds.
- The children's play area should be moved closer to the indoor amenity space on the rooftop to be closer to washrooms.
- Incorporate design elements from neighbouring Juliette balconies and consider placing a mural on the blank wall of the building.

* * * * *

1065 PACIFIC STREET

URBAN DESIGN PANEL MINUTES

The Urban Design Panel (UDP) reviewed this application on May 10, 2023. A summary of the decision is provided below. The full meeting minutes can be found online.

EVALUATION: Support with Recommendations (7/1)

Introduction: Rezoning Planner, Allison Smith, provided an overview of the policy and proposal for this site. Development Planner, Derek Robinson, gave an overview of the urban design considerations.

Advice from the Panel on this application is sought on:

1. Please comment on the proposed height, density and massing with consideration given to:

    - The articulation and expression of both the east and west elevations; and
    - The Tower's contribution to the Skyline of the West End.

2. Please comment on the public realm and site design, including the proposed interface with adjacent heritage properties.

3. Please provide any comments on preliminary materials, balcony expression and proposed amenity spaces to assist staff with any future DP application.

The applicant then gave an overview of their proposal. Staff and the Applicant team then took questions from the panel.

Panel's Consensus:

Having reviewed the project, it was moved by MR. AEPLI and seconded by MR. STOVELL and was the decision of the Urban Design Panel:

THAT the Panel Recommend Support with recommendations to the project with the following recommendations to be reviewed by City Staff:

1. To further develop materiality at both the skyline scale and down to the public realm;

2. To review the privacy between the new podium and the existing houses to the west; and

3. Further, design development to the east and west façade and the exposed core.

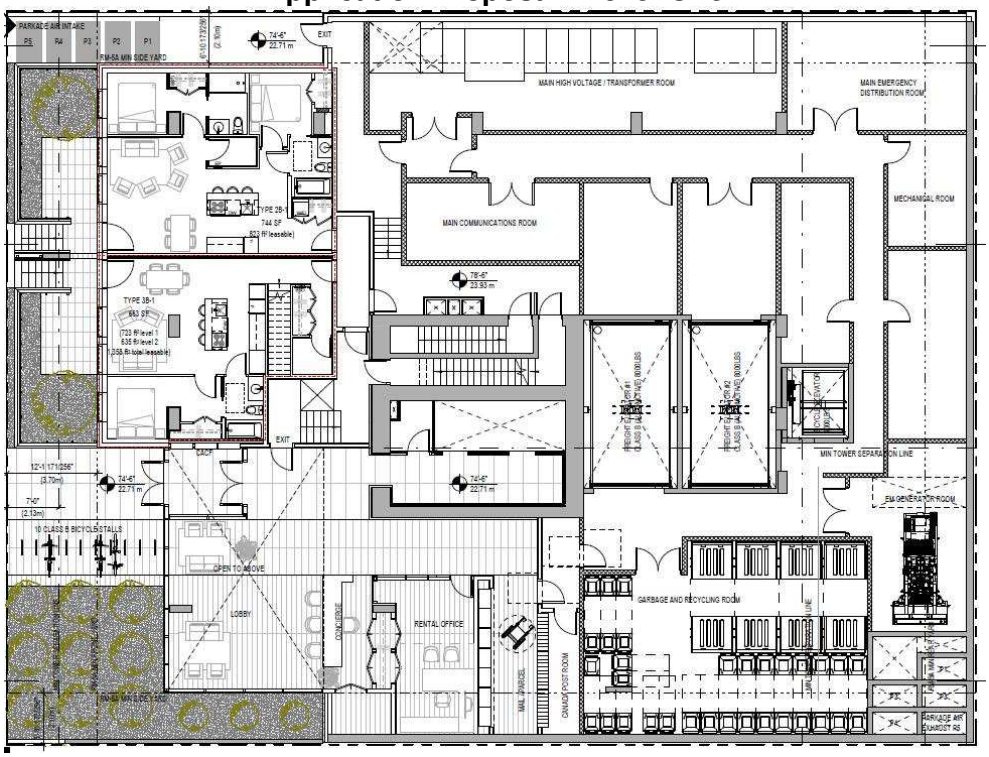
1065 PACIFIC STREET

SUMMARY OF TENANT RELOCATION PLAN TERMS

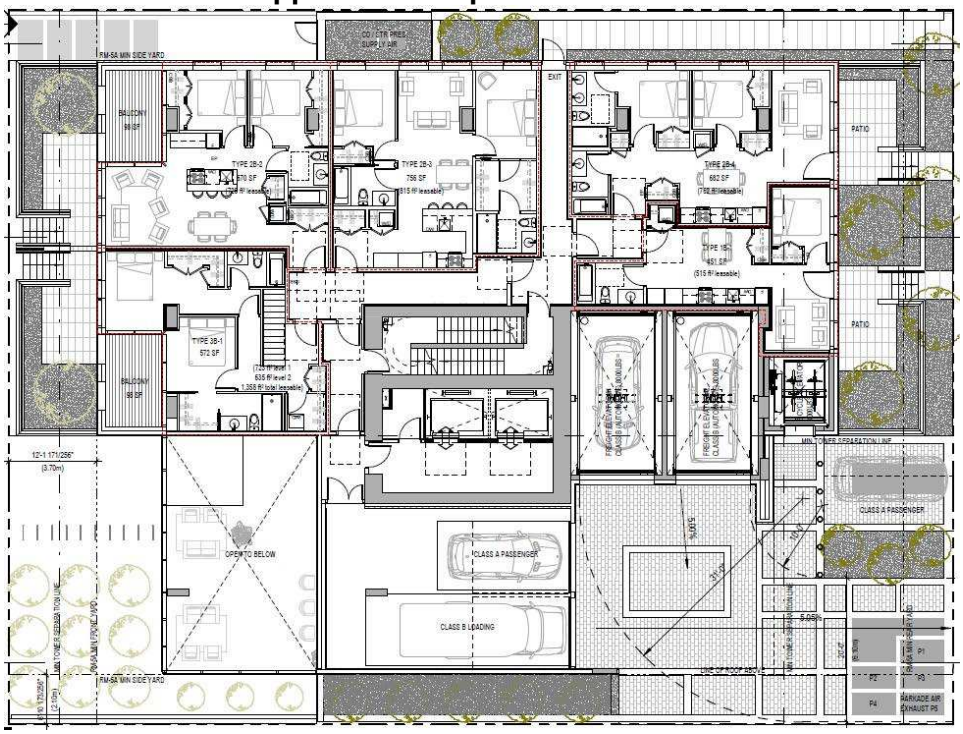
Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer
Financial Compensation	• Compensation in the form of free rent, a lump sum payment, or a combination of both, will be available for each unit eligible for Tenant Relocation Plan according to the following schedule: o 4 months' rent for tenancies up to 5 years; o 5 months' rent for tenancies over 5 years and up to 10 years; o 6 months' rent for tenancies over 10 years and up to 20 years; o 12 months' rent for tenancies over 20 years and up to 30 years; o 18 months' rent for tenancies over 30 years and up to 40 years; and o 24 months' rent for tenancies over 40 years.
Notice to End Tenancies	• 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)	• 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)	• Staff will distribute tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant will 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	• For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.
First Right of Refusal (if applicable)	• The applicant will offer all eligible tenants the Right of First Refusal to return to the new building in either one of the below-market rental units (subject to eligibility), or one of the market rental units at a 20% discount.

1065 PACIFIC STREET
FORM OF DEVELOPMENT DRAWINGS

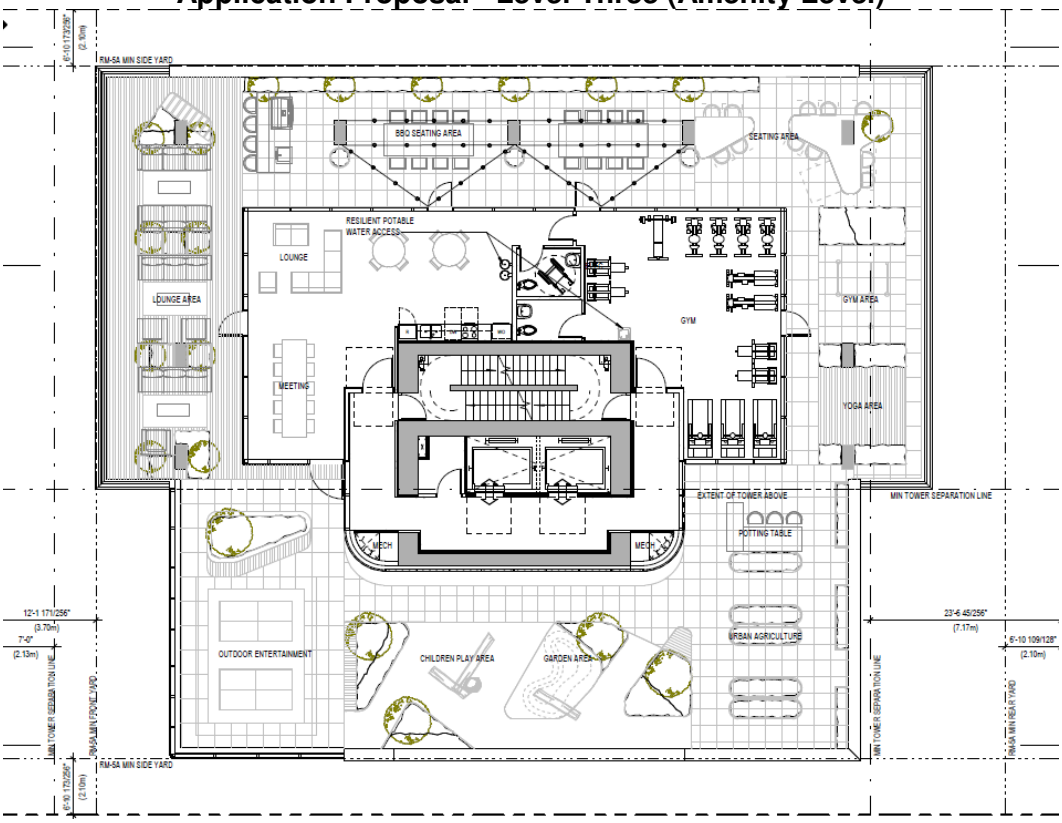
Application Proposal - Level One



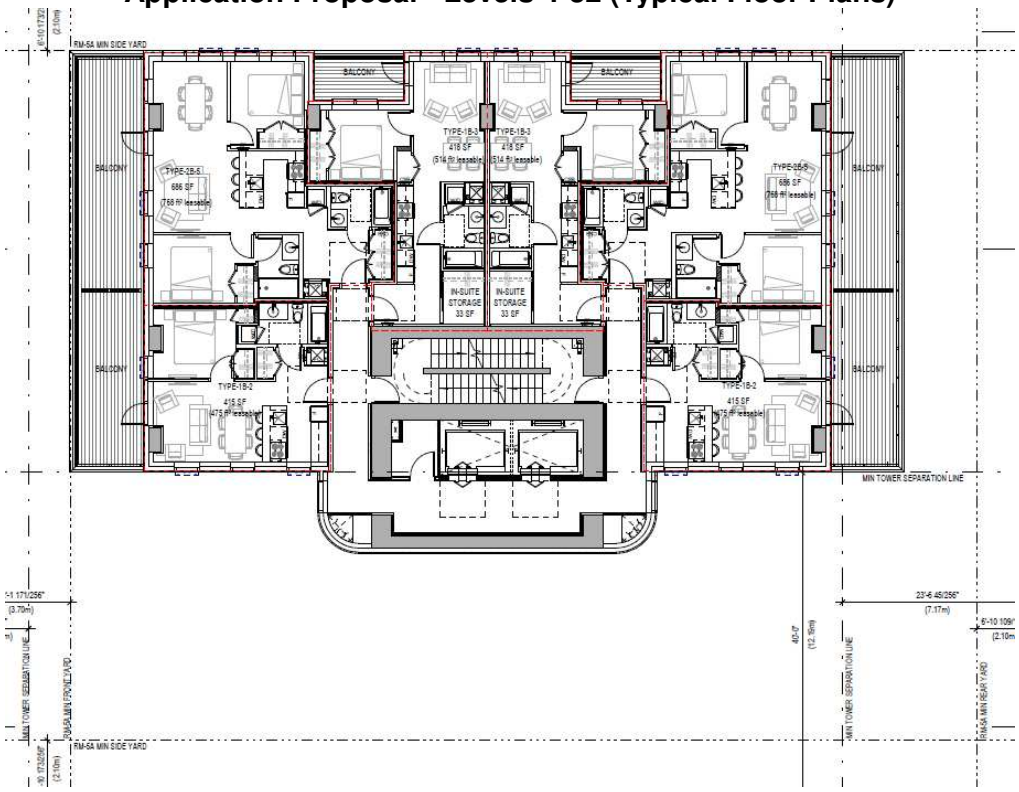
Application Proposal - Level Two



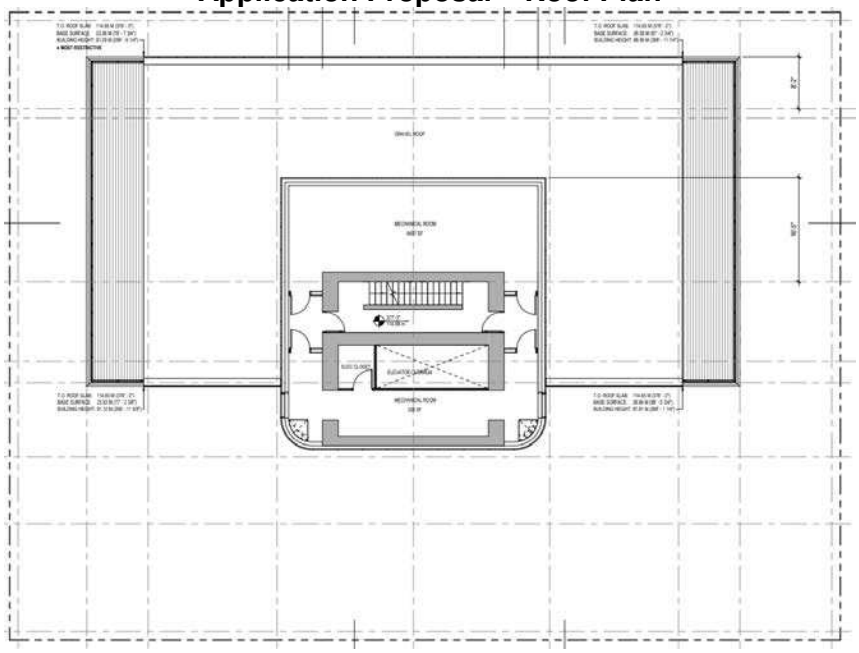
Application Proposal - Level Three (Amenity Level)



Application Proposal - Levels 4-32 (Typical Floor Plans)



Application Proposal – Roof Plan



Application Proposal - Elevations





Applicant Elevation Exploration to Address Rezoning Condition 1.4

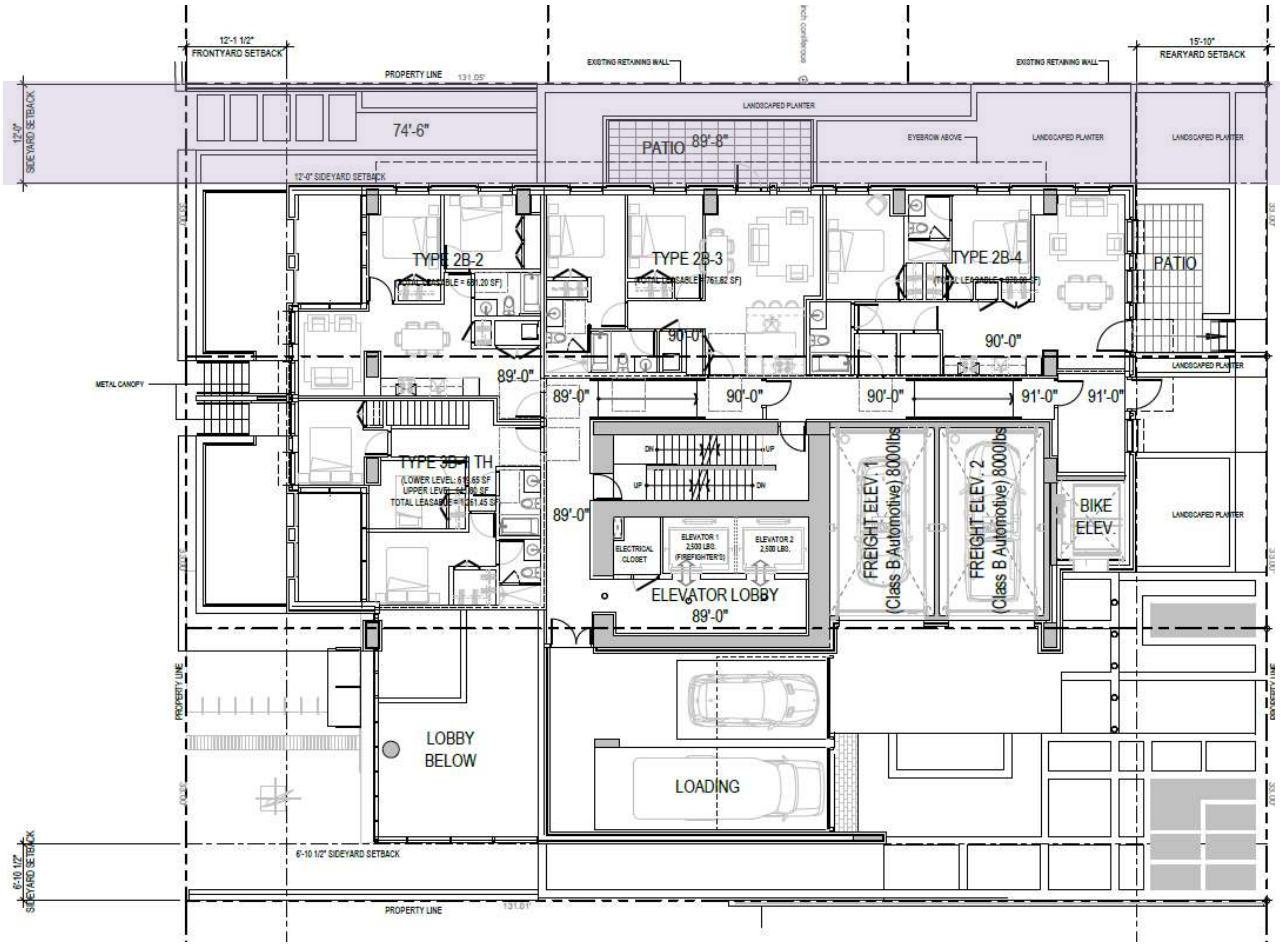


East Elevation



West Elevation

Applicant Site Plan Exploration to Address Rezoning Condition 1.1 – Increased Setback to West Property Line



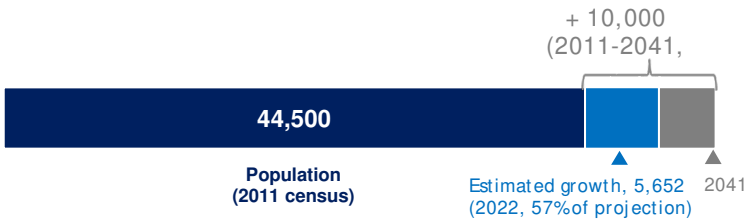
PUBLIC BENEFITS IMPLEMENTATION DASHBOARD

WEST END COMMUNITY PLAN (2013)

Updated year-end 2022

POPULATION GROWTH[a]

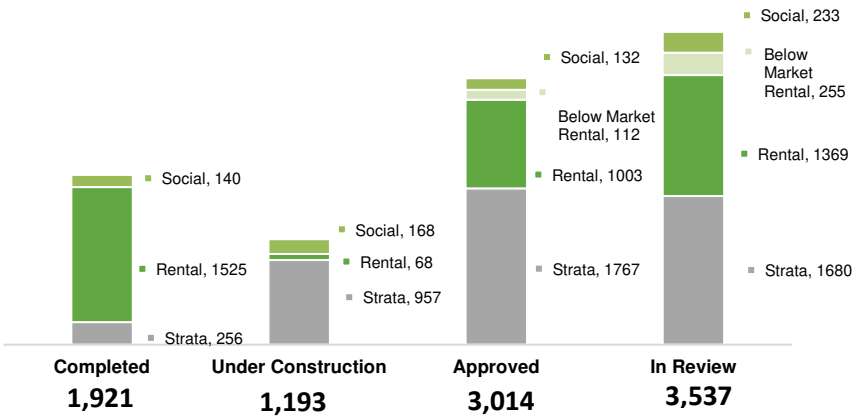
The West End has grown by approximately **5,652** people since the 2011 census. The plan projects a growth of approximately **10,000** people by 2041.



DEVELOPMENT ACTIVITY (UNITS)[b]

Recent rezoning approvals:

- 1065 Harwood St and 1332 Thurlow St
- 1066-1078 Harwood St
- 1157 Burrard St
- 1450 W Georgia St
- 1444 Alberni St and 740 Nicola St



PUBLIC BENEFITS ACHIEVED AND IN PROGRESS SINCE 2013

✓ On track to achieving targets → Some progress toward targets, more work required ○ Targets require attention

TARGETS See Ch.17 of West End Community Plan for more details	Completed	Construction	Planning/ Design	Progress
HOUSING[d] • ~ 1,600 additional social housing units • ~ 1,900 additional secured market rental units • Secure social and market rental housing in Corridors • Secure market rental housing in Neighbourhoods (Gross numbers of units reported)	1,525 secured market rental units 140 social housing units	68 secured market rental units 168 social housing units		✓
CHILDCARE • ~ 245 spaces for children 0-4 • ~ 121 spaces for children 5-12	10 spaces for children 5-12 (Lord Roberts – YMCA Kids Club)			○
TRANSPORTATION / PUBLIC REALM • Upgrade/expand walking and cycling networks • Enhance waiting areas at transit stops • Improve public realm along commercial streets • Improve public realm in Neighbourhoods	Jim Deva and Bute-Robson interim plazas Installation of Mobi Public Bike Share stations in West End Pilot curbside patios and parklets on Robson and Davie streets Burnaby Street bike route Aquatic Centre Ferry Dock		Bute-Robson permanent plaza (detailed design) Bute Street Greenway (planning/design) Davie Village public realm improvements (planning/design) Morton Park car-free/Davie Street	→

	Haro Street walking, cycling and green rainwater upgrades (1.1 km) Gilford mini-part improvements Walking and rolling improvements like new traffic signals, diverters, marked crosswalks Temporary curbside and patios along three high streets (Robson, Davie and Denman) Interim sidewalk widening and bus bulges on Robson Street Beach Ave. interim walking, rolling, cycling improvements (2.2 km)		closure (planning/design) Commercial Streets Complete Streets (scoping) Comox Year-Round School Street (planning/design)	
CULTURE • Preserve and stabilize cultural assets • Retain/create multi-use neighbourhood creative spaces • Public art	2 public art installations	1 public art installation	3 public art installations	→
CIVIC / COMMUNITY • Recreation facilities renewal (WE Community Centre, Ice Rink, Vancouver Aquatic Centre) • Joe Fortes Library renewal • Optimize fire hall services in the community through renewal and/or relocation of existing fire halls			WE Community Hub Master Plan - Renewal & expansion of WE Community Centre, WE Ice Rink, Fire hall #6 and Joe Fortes Library (concept design)	→
HERITAGE • 10% allocation from cash community amenity contributions in West End	10% allocation from cash community amenity contributions			✓
SOCIAL FACILITIES • Gordon Neighbourhood House renewal and expansion • QMUNITY renewal and expansion • Explore opportunities for a dedicated seniors' facility • Explore opportunities for community-based non-profit hub	Gordon Neighbourhood House interim renovation		1190 Burrard Street QMUNITY (design – rezoning approved) 1157 Burrard multi-use cultural NPO space (rezoning approved)	→
PARKS • Rebuild the seawall • English Bay Beach Park and Sunset Beach Park upgrades	Seawall restoration project (2 phases) Barclay Heritage Square Calisthenics Park		West End Waterfront Plan (concept design)	→

EXPLANATORY NOTES

The Public Benefits Implementation Dashboard assists in monitoring progress toward the delivery of public benefits anticipated from the community plans. Data in this tracker reflects activity within the plan boundaries (and significant public benefits adjacent to the plan area) since Plan approval.

[a] **Population Growth:** Growth is calculated by taking the difference between the latest census year and the base population and adding an estimate based on floor area completed between the latest census and the end of the most recent reporting period.

[b] **Development Activity:** Development Activity reports on gross new units. The Development Activity Chart includes Building Permits, Development Permits, and rezoning applications:

- Completed: Occupancy Permit issuance
- Under Construction: Building Permit issuance
- Approved: Approved Rezoning Applications, and Development Permits submitted without a rezoning
- In review: In Review Rezoning Applications, and Development Permits submitted without a rezoning

[c] **Planning/Design:** Public benefits in planning/design typically include City-or partner-led projects that have begun a public process or have made significant progress in planning or design stages, but have not yet moved to construction. Amenities secured through developer-initiated applications are not included in the planning/design column and not counted towards public benefits achieved prior to construction as numbers and status may change throughout the permitting process

[d] **Housing - Planning/Design:** Housing units in developer-initiated applications are not included in the planning/design column and not counted towards public benefits achieved prior to construction as numbers and status may change throughout the permitting process.

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1065 Pacific Street
PUBLIC BENEFITS SUMMARY

Project Summary:

To rezone the site from RM-5A to CD-1 to allow for a 32-storey residential building with market rental and below-market rental housing.

Public Benefit Summary:

The proposal offers 180 secured-rental housing units, with 20% residential floor area as BMR (approximately 36 units). The project would also contribute a DCL payment.

	Current Zoning	Proposed Zoning
Zoning District	RM-5A	CD-1
FSR	2.2	11.2
Buildable Floor Space	2,651 sq. m (28,537 sq. ft.)	13,497 sq. m (145,280 sq. ft.)
Land Use	Residential	Residential

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL[1,2]	$0
Utilities DCL[1]	$1,984,599
Public Art[3]	$287,654
TOTAL	**$2,272,253**

Other Benefits (non-quantified components):180 secured market rental and 20% residential floor area (approximately 36 below-market rental units) secured for longer of 60 years and the life of the building.

[1] Based on rates in effect as of September 30, 2023 and assumes the development maximizes the allowance density. 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 details.

[2] This application has requested and is expected to be eligible for a Class A (100%) waiver of the City-wide DCLs applicable to the residential portion of the building. The value of the anticipated City-wide DCL waiver is estimated at $3,167,071. The application is therefore subject to the maximum average starting rents by unit type applicable to "class A for-profit affordable rental housing" as per the Bylaw. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance.

[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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1065 Pacific Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

PROPERTY INFORMATION

Street Address	Parcel Identifier (PID)	Legal Description
1065 Pacific Street	031-982-956	Lot 1 Block 13 District Lot 185 Group 1 New Westminster District Plan EPP125144

APPLICANT INFORMATION

Architect	Buttjes Architecture Inc.
Property Owner	W.F.C. PROPERTIES (PACIFIC) INC., INC.NO. BC1384912

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
Zoning	RM-5A	CD-1
Site Area	1,205.1 sq. m (12,972 sq. ft.)	1,205.1 sq. m (12,972 sq. ft.)
Land Use	Residential	Residential
Maximum FSR	2.2	11.2
Maximum Height	18.3 m (60 ft.)	91.4 m (300 ft.)
Floor Area	2,651 sq. m (28,537 sq. ft.)	13,497 sq. m (145,280 sq. ft.)
Unit Mix	N/A	**Market: 144 units** 94 1-br (65%) 50 2-br (35% 0 3-br (0%) **BMR: 36 units** 23 1-br (64%) 12 2-br (33% 1 3-br (3%) **Total: 180 units** 117 1-br (65%) 62 2-br (34% 1 3-br (1%)
Parking and Bicycle Spaces	As per Parking By-law	As per Parking By-law
Natural Assets	Four on-site bylaw trees and three street trees	Three street trees to be retained. New trees to be planed; details to be determined at the Development Permit stage.

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