CITY OF VANCOUVER

REFERRAL REPORT

Report Date: January 21, 2025
Contact: Lex Dominiak
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RTS No.: 17750
VanRIMS No.: 08-2000-20
Meeting Date: February 4, 2025

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 (836) Text Amendment: 1075 Nelson Street (Formerly 1059-1083 Nelson 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 Brivia Group, on behalf of 1075 Nelson Development Holdings Ltd., the registered owner of the lands located at 1075 Nelson Street [*PID 031-725-953; Lot A Block 7 District Lot 185 Group 1 New Westminster District Plan EPP118708*], to amend CD-1 (Comprehensive Development) District (836 By-law No. 13488 to permit the conversion of floor area originally intended for social housing into market rental housing and to allow for balconies on the building's east and west elevations to be enclosed and excluded from floor space ratio (FSR) calculations, for the purpose of meeting Passive House standards, be approved in principle;

FURTHER THAT the draft by-law to amend CD-1 (836) By-law No.13488, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

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 amend CD-1 (Comprehensive Development) District (836) By-law No. 13488 for 1075 Nelson Street (formerly 1059-1083 Nelson Street), to permit the conversion of floor area originally intended for social housing into market rental housing. The social housing obligation of the project would be met through a cash-in-lieu payment, which will be used to deliver off-site social housing.

The amendment would also exclude the balconies on the building's east and west elevations from floor area, which are proposed to be enclosed to assist in meeting Passive House sustainability standards. The proposed amendments would have no significant impacts on the previously approved form of development.

By-law No. 13488 was enacted on July 20, 2022, with inclusionary social housing requirements regulated by the *West End Rezoning Policy* (the “Rezoning Policy”). On September 24, 2024, the Rezoning Policy was amended to reduce the inclusionary social housing requirements in areas 1 and 2 from 25% of the residential floor area to 20% or one-for-one replacement of the existing rental housing, whichever is greater. The amendment to the Rezoning Policy also introduced a cash-in-lieu option for projects to provide cash-in-lieu of delivering the inclusionary social housing obligations on site.

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

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 District (836) By-law No. 13488 (Enacted 2022)
- Vancouver Plan (2022)
- West End Community Plan (2013)
- Rezoning Policy for the West End (2013, last amended 2024)
- Green Buildings Policy for Rezonings (2009, last amended 2024)
- Zero Emissions Building Catalyst Policy (2019, last amended 2024)
- Higher Buildings Policy (1997, as amended up to 2018)
- Rental Housing Stock Official Development Plan (2007, last amended in 2018)
- Housing Vancouver Strategy and Housing Vancouver Three Year Action Plan (2017)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992)
- Community Amenity Contributions for Rezonings (1999, last amended 2024)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)

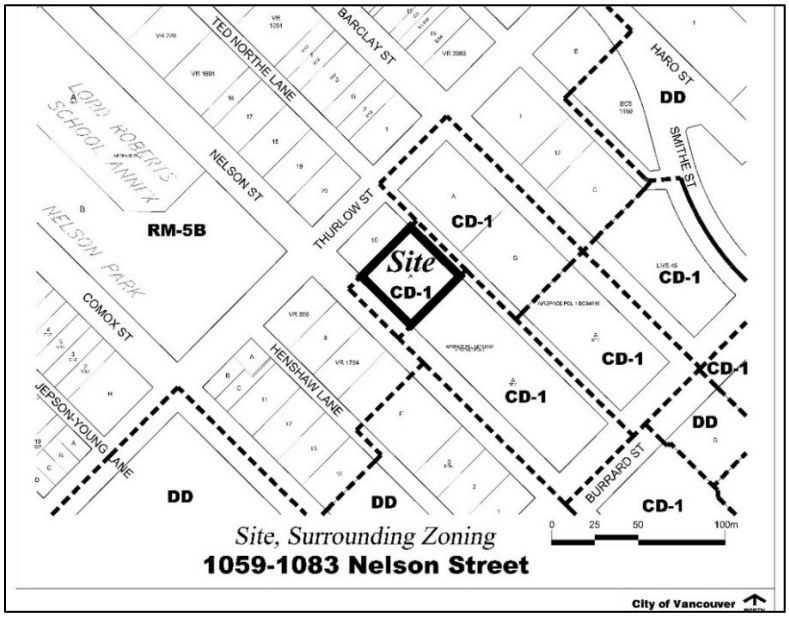
REPORT

Background/Context

1. Site Context

The 1,608 sq. m (17,308 sq. ft.) rezoning site is located mid-block on the north side of Nelson Street, between Thurlow and Burrard Streets. Located in Area E in the Burrard Corridor of the *West End Community Plan*, the site is currently zoned CD-1 (836) and developed with a three-storey apartment building that contains 51 rental units.

Figure 1: Site and Context



The surrounding blocks contain mainly residential buildings, some of which have recently been rezoned or are current rezoning applications. These developments range in heights from three to 57 storeys. The site is located within metres of Nelson Park, Lord Roberts Elementary School Annex (located adjacent Nelson Park), Lord Roberts Elementary School and King George Secondary School.

The site is well served by transit being located 675 m from the Burrard Skytrain Station and within a 50 m walk to bus routes along Burrard Street. To the south on Comox Street, there is a bike route, while Burrard Street features a painted bike lane.

2. Policy Context

West End Community Plan – In November 2013, Council approved the *West End Community Plan*. This policy document provides a framework to guide change, development, and public benefits in the West End over a 30-year period. The plan considers long-range and shorter-term goals and provides policy directions in areas such as land use and built form, housing, transportation and public spaces, heritage, arts and culture, local economy, community facilities and amenities, and environmental sustainability.

The West End Community Plan identifies "Corridors" (Georgia, Burrard, Lower Robson and Lower Davie) generally as the newer areas of the community, well-served by transit, services and amenities, and where the majority of new housing and job space has been built over the past 40 years. Under the plan, these corridors provide additional opportunities to accommodate job space and housing, denser development close to transit, local services and amenities, which help meet the needs of the community. The rezoning site is in the Burrard Corridor, as illustrated in Figure 2.

Figure 2: West End Community Plan Character Areas



Rezoning Policy for the West End (2013) – A *Rezoning Policy for the West End* was adopted at the same time as the *West End Community Plan*. It allows consideration for rezoning on sites within the Burrard Corridor for increased density for market residential when significant public benefits can be achieved for the community. The Rezoning Policy was amended in September 2024 to reduce the requirement for inclusionary social housing from 25% to 20% of the residential floor area. The amendment also introduced a cash-in-lieu option for fulfilling the social housing obligations instead of providing them on-site.

Housing Vancouver Strategy (2017) – Housing Vancouver focuses on the right supply of new homes, including rental, to meet the continuum of housing types. The strategy includes 10-year housing approval targets, which were updated in 2024. The new targets aim for 83,000 net new homes overall, including 30,000 purpose-built market rental and 5,500 purpose-built below market rental units. This rezoning will contribute towards targets for purpose-built market rental housing units.

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

Higher Buildings Policy (1997) – The *Higher Buildings Policy*, as amended in 2018, allows for consideration of building proposals in the city's downtown seeking significant additional height above current zoning and policy.

The policy requires that any higher building development establish a significant and recognizable new benchmark for architectural creativity and excellence. In addition, any proposal should advance the City's green objectives for carbon neutrality for new buildings by demonstrating leadership and advances in sustainable design and energy consumption.

Transit-Oriented Areas (TOA) Designation By-law (2024) and Transit-Oriented Areas (TOA) Rezoning Policy (2024) – To align with provincial legislation, Council adopted a by-law and rezoning policy that establishes heights and densities for developments within Transit-Oriented Areas (TOAs). This site is within Tier 3 of the Burrard Station and Vancouver City Centre TOAs.

Strategic Analysis

1. Proposal

The CD-1 (836) (Comprehensive Development) District By-law was enacted on July 20, 2022, to rezone the site at 1075 Nelson Street. The CD-1 by-law permits the development of a 60-storey residential building containing 102 social housing units, 50 secured market rental units, and 328 market strata units.

In response to the September 2024 amendments to the *Rezoning Policy for the West End*, which lowered the inclusionary social housing requirement from 25% to 20% and introduced a cash-in-lieu option for fulfilling social housing obligations, this application proposes an amendment to the CD-1 (836) By-law. The amendment would allow for the conversion of floor area originally allocated for social housing into market rental housing. Consequently, the total number of market rental housing units would increase from 50 to 176, an increase overall of 126 units. The social housing requirement will be met through a cash-in-lieu payment, which will be

used to fund off-site social housing. The total number of strata units will also be increasing by 19, from 328 to 357.

The amendment would also exclude from floor area calculations the balconies on the building's east and west elevations, which are enclosed to assist in meeting Passive House sustainability standards. The proposed amendments would result in a strata and market rental residential building with no significant impacts on the previously approved form of development.

Figure 3: Proposed Building Looking Northeast



2. Land Use

The continued residential use is consistent with the *West End Community Plan*.

3. Form of Development, Height and Density

The building reflects the form of development from the approved rezoning application. It is expected to demonstrate compliance with the rezoning conditions from the previous application at the development permit stage, with the exception of allowing for enclosure of the building's east and west balconies.

4. Housing

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add approximately 126 market rental units to the City's inventory of rental housing, in addition to the 50 market rental units already

approved in the 2022 rezoning, which would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 4). The additional units result from the proposed conversion of floor areas secured for social housing in the approved 2022 rezoning. The amendment proposes that floors 2-20 feature market rental units, with the social housing obligations to be delivered through a cash-in-lieu payment of $55,000,000.

Figure 4: Progress Towards 10 Year Housing Vancouver Targets (2024-2033) for Purpose-Built Rental Housing as of September 30, 2024

Housing Type	10-Year Targets	Units Approved Towards Targets*
Purpose-Built Market Rental Housing Units[3]	35,500	4,399 (12%)

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

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

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

Average Rents and Income Thresholds – The average market rents in newer rental buildings in Downtown are displayed in the left-hand columns of Figure 5. These market rental housing options offer prices that are significantly more affordable compared to the average home ownership costs, as illustrated in the same figure.

Figure 5: Market Rents in Newer Downtown Buildings, Costs of Ownership and Household Income Served

Unit	Newer Rental Buildings Downtown		Monthly Costs of Ownership for Median-Priced Apartment – Downtown (with 20% down payment)		
	Average Market Rent[1]	Average Household Income Served	Monthly Costs of Ownership[2]	Average Household Income Served	Down Payment at 20%
Studio	$2,484	$99,360	$2,743	$109,720	$102,350
1-bed	$2,505	$100,200	$3,471	$138,840	$131,760
2-bed	$3,698	$147,920	$5,242	$209,680	$199,800
3-bed	$4,801	$192,040	$9,414	$376,560	$370,000

[1]Data from the October 2023 CMHC Rental Market Survey for apartments in purpose-built rental buildings completed in the year 2014 or later on the Downtown of Vancouver.

[2]Based on the following assumptions: median of all BC Assessment apartment sales prices in Vancouver Downtown in 2021 by unit type, 20% down-payment, 5% mortgage rate (in-line with Bank of Canada conventional rate), 25-year amortization, $150-$250 monthly strata fees and monthly property taxes at $2.92 per $1,000 of assessed value (2020 assessments and property tax rate).

Vacancy Rates – Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2023, the purpose-built apartment vacancy rate was 0.8% in Vancouver. The vacancy rate (based on the Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the West End/Stanley Park area, which this site is located, is 0.5%. A vacancy rate of between 3% and 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. This application proposes 41.4% family units, thereby exceeding 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.

Security of Tenure – Purpose-built rental housing offers secure rental tenure. All 176 market rental units in the proposal would be secured through a Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units.

Existing Tenants – The rezoning site contains existing rental residential uses, including 51 units of primary rental housing. As per the approved CD-1 by-law, all 32 of the residential tenancies are eligible under the City's *Tenant Relocation and Protection Policy* (TRPP); the remaining 19 units were vacant at time of application. The applicant has provided a Tenant Relocation Plan (TRP) for eligible tenants which meets the requirements of the City's TRPP, which is summarised in Appendix D. These tenancies remain eligible for the TRP.

With the approved 2022 rezoning, under the Tenant Relocation Plan, the tenants were offered Right of First Refusal to return to one of the social housing units if eligible, or to the new market rental units at 20% below market rates. As there would no longer be social housing built on site, eligible tenants will be offered the Right of First Refusal to return to the new building at either a 20% discount to city-wide average market rents by unit type for the City of Vancouver, as published annually, or at the tenant's current rent, whichever is less.

5. Transportation and Parking

The application proposes eleven levels of underground parking accessed from the lane, and a total of 294 vehicle spaces for residential uses (including 18 accessible spaces) and 1,113 bicycle spaces. Parking, including visitor parking, and loading spaces are to meet the Parking By-law at the development permit stage.

The site is well served by transit, being located 675 m from the Burrard Skytrain Station and within a 50 m walk to bus routes along Burrard Street. To the south, Comox Street has a bike route, and Burrard Street has a painted bike lane. Engineering conditions are included in Appendix B.

6. Environmental Sustainability and Natural Assets

Green Buildings –The *Green Buildings Policy for Rezonings* from the original rezoning requires that residential rezoning applications satisfy either the near zero emission buildings or low emissions green buildings conditions within the policy. The application has opted to satisfy the near zero emissions buildings requirements, and the proposed building is pursuing Passive House certification. Passive House is a world-leading standard for energy efficiency in buildings, and the process of design and certification to this standard significantly advances local construction practices toward zero emissions buildings. The applicant has submitted a letter from a certified Passive House designer that the building, as designed, is capable of achieving Passive House certification.

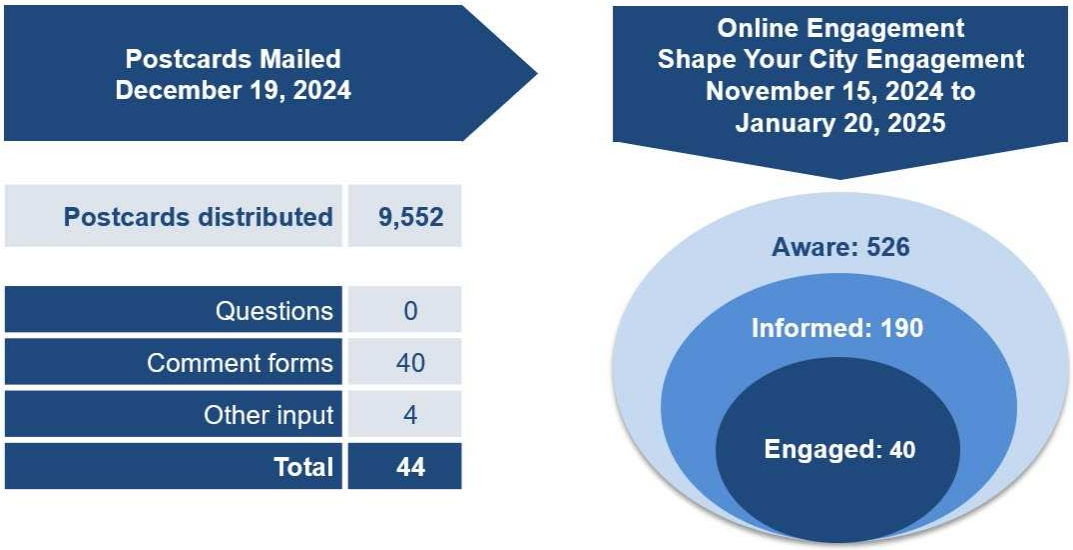
In addition to the accommodations noted in the original rezoning, the applicant has requested a floor space exclusion to enclose the balconies on the east and west side to improve the Passive House performance of the building. Staff support this change and recommend adding the exclusion to section 5.5 of the CD-1 By-law (see Appendix A).

The *Higher Buildings Policy* requires applications to demonstrate leadership in sustainability and carbon neutral buildings. Certification of this building under the Passive House standard will meet this policy.

7. Public Input

Public Notification – A rezoning information sign was installed at the site on November 19, 2024. Approximately 9,552 notification postcards were distributed within the neighbouring area, with mailing delayed until December 19, 2024, due to the Canada Post strike. Application information and an online comment form was provided on the Shape Your City (shapeyourcity.ca/) platform.

Figure 6: Overview of Engagement



Public Response and Comments – Public input is collected via online questions, comment forms, through email, and by phone. A total of 44 submissions were received. A detailed summary of all public responses may be found in Appendix C.

Generally, comments of support fell within the following areas:

- **Development:** the development is generally supported as proposed.
- **Housing:** the proposed development adds much needed housing supply.

Generally, comments of concern fell within the following areas:

- **Removal of Social Housing:** The proposal to replace on-site social housing with market rental units is not supported. There is a perceived failure to fulfil the responsibility of providing social housing.
- **Provision of off-site Social Housing:** There is no clear timeline or guarantee for the construction of off-site social housing.

- **Affordable Housing:** The proposal does not adequately address the need for affordable housing.

- **Cash-in-lieu:** The proposed cash-in-lieu payment instead of providing social housing is not supported due to concerns that the payment amount has not been determined and is not publicly available.

- **Livability**: Removing the balconies could negatively affect future residents' livability and access to private exterior space.

Response to Public Comments

This project is being considered under the amended *West End Rezoning Policy*. Council approved this change in policy because these types of West End inclusionary projects have not been financially viable to proceed due to current economic and market conditions. Council directed staff to prioritize the allocation of any cash received in lieu of social housing towards deliver of social housing in the West End. The City is still committed to integrated and inclusive communities, but shifting economic conditions have meant that we may need to consider different ways to achieve housing diversity.

As explained in the Public Benefits section of this report, the applicant has agreed to fulfill their obligation for social housing through a cash-in-lieu payment of $55,000,000.

With respect to concerns related to the livability impacts to residents due to the proposed enclosure of balconies on the buildings east and west elevations, it is noted that balconies are not to be removed but will be enclosed, with operable windows in order to meet Passive House building standards.

8. Public Benefits

Community Amenity Contribution (CAC) – This application is subject to a negotiated CAC under the *Community Amenity Contributions Policy for Rezonings*. With the approved 2022 rezoning, the applicant offered a total CAC package of $70,000,000, consisting of in-kind turnkey delivery of at least 25% of the proposed residential area and no less than, 8,816.9 sq. m (94,904 sq. ft.), which was estimated at 102 units.

With the amendments to the *West End Rezoning Policy* in September 2024, the requirement for inclusionary social housing was reduced from 25% to 20% of the residential floor area. The amendment also introduced a cash-in-lieu option for fulfilling the social housing obligations instead of providing them on-site. The applicant has chosen to take this option.

Approach to Social Housing Cash-in-lieu Payment

Consistent with amendments to the *West End Rezoning Policy*, the application now proposes to deliver the social housing obligation through a $55,000,000 cash-in-lieu payment. The conversion of floor area originally intended for social housing would result in an increase in market rental housing from 50 to 176 units.

Under the West End Rezoning Policy, the cash-in-lieu payment should reflect the costs the City of Vancouver may incur to deliver such social housing off-site, including land and construction, and is determined on a case-by-case basis through the rezoning process. Real Estate Services

have reviewed this application and determined that the $55,000,000 is appropriate. If approved by Council, the cash in-lieu would be payable in accordance with the following requirements and conditions, as more particularly provided for in Appendix B:

- $20,000,000 (36%) to be paid prior to the enactment of the rezoning by-law;
- $35,000,000 (64%) (the "Outstanding Balance") to be paid on the earlier of the following dates:
    - The issuance of the demolition permit for the Lands; or
    - The date that is 24 months following the date of enactment of the amending rezoning by-law for the Rezoned Lands.

The Outstanding Balance will be charged interest from the enactment date of the amending rezoning by-law at prime plus 2%, with interest paid to the City on quarterly instalments until the date that such amount is fully paid.

For certainty, no building permit will be issued on this project until the deferred Outstanding Balance is paid to the City, plus accrued interest.

The Outstanding Balance will be secured through a Letter of Credit, or a Surety Bond as provided for in Appendix B on terms and conditions to the satisfaction of the Director of Legal Services. The Outstanding Balance will be drawn down at the earlier of the dates referred to above if the Outstanding Balance is not paid in full prior thereto.

The applicant is to enter into a Deferred Cash-in-lieu Agreement, which will set out the particulars and obligations of the applicant regarding the payment of the Outstanding Balance, on terms and conditions to the satisfaction of the Director of Legal Services.

If enactment of the amending rezoning by-law has not occurred prior to the date that is 24 months following the date of Council's approval in principle of this amending rezoning application, then the approval in principle may at such time be terminated, revoked, rescinded or reconsidered by Council, in its sole discretion, and this rezoning application or a revised rezoning application may be required to return to public hearing and shall in any event be brought to Council for consideration and Council's approval.

Development Cost Levies (DCLs) – The site is subject to the City-wide and Utilities DCLs, which will be calculated on the floor area proposed at the development permit stage. As the proposal includes both strata and rental units, the rental portion of floor area is not eligible for a DCL waiver. Based on rates in effect as of September 30, 2024, and the proposed 39,744.0 sq. m (427,801 sq. ft.) of residential floor area, the DCLs are estimated to be $16,434,144. The proposed conversion of 8,866 sq. m (95,433 sq. ft.) of floor area from social housing (exempt from paying DCLs) to rental housing accounts for $3,666,091 of the total DCL payable.

Public Art Program – The application is subject to the *Public Art Policy and Procedures for Rezoned Developments* as the proposed floor area meets the minimum 9,290 sq. m (100,000 sq. ft.). Applicants may elect to provide on-site artwork or cash-in-lieu (at 80% of the public art budget), which must be discussed with Public Art staff before by-law enactment.

A public art contribution of $658,089 was secured through the previous rezoning enactment. However, due to the conversion of social housing into rental housing the eligible floor area has increased from 30,878 sq. m (332,368 sq. ft.) to 39,744 sq. m (427,801 sq. ft.), the public art

budget is currently estimated to be $847,044. The final public art budget will be calculated on the floor area proposed at the development permit stage. As a condition of by-law enactment, a modification of the existing public art agreement or a new legal agreement may be required to be registered on title to specify and define all obligations with respect to the elected option.

Financial Implications

As noted in the Public Benefits section, this project is expected to provide a cash payment in lieu of the in-kind CAC package, a DCL, and a public art contribution. See Appendix B for additional details.

CONCLUSION

The proposed amendment to permit the conversion of floor area originally intended for social housing into market rental housing and to allow for the exclusion of enclosed balconies on the building's east and west sides is consistent with the intent of the *West End Plan* and the *Rezoning Policy for the West End.*

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 and with a recommendation that these be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B.

* * * * *

1075 Nelson Street
DRAFT BY-LAW TO AMEND CD-1 (836) BY-LAW NO. 13488

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This by-law amends the indicated provisions of By-law No. 13488.

2. Council strikes out section 4.3.

3. Council strikes out section 5.3.

4. In section 5, Council:

   (a) renumbers sections 5.4 through 5.7 as 5.3 through 5.6, respectively;

   (b) in section 5.4, Council strikes out “12%” and substitutes “8.5%”;

   (c) in section 5.5:

      a. in subsection (b), strikes out “section 5.4” and substitutes “section 5.3”;

      b. in subsection (d), strikes out “and”;

      c. in subsection (e), strikes out “.” and substitutes “; and”; and

      d. adds a new subsection (f) as follows:

   “(f) the area occupied by any enclosed balconies in a Passive House building that are located on the east or west sides of the building, to a maximum exclusion of 3.5% of the permitted floor area for dwelling units.”.

5. In section 5.6, Council strikes out “sections 5.5 and 5.6” and substitutes “sections 5.4 and 5.5”.

* * * * *

1075 Nelson Street
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 contain 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 FORM OF DEVELOPMENT

Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by Arcadis Architects Canada Inc., received October 18, 2024.

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

Sustainability

1.1 Buildings in the development must meet the requirements for Near Zero Emissions Buildings under the *Green Buildings Policy for Rezonings* (2018).

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the requirements at each review stage. For more detail on the above requirements and what must be submitted at each stage, refer to the related bulletin, *Green Buildings Policy for Rezonings – Process and Requirements*.

1.2 The applicant commits the proposed development to exceed the sustainable design and emissions improvements required by the *Green Buildings Policy for Rezonings*, and to demonstrate leadership in sustainable design as required by the *Higher Buildings Policy*, through the following:

Passive House Design – The development shall be designed to certify under the Passive House standard, including a thermal energy demand of no more than 15 kWh/m2 annually.

Housing

1.3 The proposed market rental unit mix, including 102 one-bedroom units (58.0%), and 72 two-bedroom units (40.9%), and 2 three-bedroom units (1.1%), is to be included in the development permit drawings.

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

1.4 The development should be designed in accordance with the *High-Density Housing for Families with Children Guidelines*, including the provision of:

(a) An outdoor amenity area to include areas suitable for a range of children's play activities and urban agriculture appropriate in size for the scale of the project and situated to maximize sunlight access (S. 3.3.2, 3.4.3);

(b) A minimum of 2.3 sq. m (24.7 sq. ft.) of bulk storage for each dwelling unit (S. 4.4.2);

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

(d) A balcony for each unit with 1.8 by 2.7 m minimum dimensions (S. 4.3.2), except on the building's east and west sides.

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 and to the General Manager of Planning and Development, the General Manager of Arts, Culture and Community Services, the General Manager of Engineering Services, the Director of Facility Design and Management and the Approving Officer, as necessary, and at the sole cost and expense of the owner/developer, make arrangements for the following:

Engineering

2.1 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 sewer (storm and sanitary) service to meet the demands of the project.

(i) Off-site Servicing Upgrade:

- West Georgia Street and Burrard Street and West Georgia Street and Hornby Street Sewer Works.
- The combined sewer between MH 404697 and MH 404695 at Burrard Street and West Georgia Street intersection to be decommissioned.

- Storm sewer 512005 along West Georgia Street south of Burrard Street to be connected across the intersection of West Georgia Street and Burrard Street to the storm system on Burrard Street.

- Storm sewer 512011 along Hornby Street to be connected to MH 419763 on West Georgia Street and sanitary sewers 490975, 490969 and MH 419762 to be decommissioned if possible. Combined service connection from 800 Hornby Street to maintain connection to sanitary sewer 511796 on lane south of Hornby Street.

Note to Applicant: The City of Vancouver will deliver the off-site sewer upgrade and request a cash payment from the developer. The applicant is to regularly inform the Development Water Resource Management (DWRM) Branch (Utilities.Servicing@Vancouver.ca) of their updated construction and occupancy schedule as the development progresses. This will assist the DWRM Branch in scheduling the sewer delivery.

2.2 Provision of a $1,000,000.00 cash payment to satisfy condition 2.1 (a) (i).

Housing

2.3 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services for the release of the Housing Agreement (Social Housing) and Section 219 Covenant registered in the Land Title Office under CB20547 to CB20549.

Note to Applicant: This condition will require one or more by-laws enacted pursuant to Section 565.2 of the Vancouver Charter.

2.4 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services for the amendment of the Housing Agreement (Secured Market Rental) and Section 219 Covenant registered in the Land Title Office under CB20550 to CB20552 whereby the number of Market Rental Housing Units (as therein defined) is increased from 50 to at least 176.

Note to Applicant: This condition will require one or more by-laws enacted pursuant to Section 565.2 of the Vancouver Charter.

2.5 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to release the Tenant Relocation Covenant registered in the Land Title Office under CB20553 to CB20561 and enter into a new 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 (eligible tenants will be offered the Right of First Refusal to return to the new building at either a 20% discount to city-wide average market rents by unit type for the City of Vancouver, as published annually, or at the tenant's rent at the time of rezoning application (plus allowable annual increases), whichever is less; 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.

Cash-in-lieu Payment

2.6 Pay to the City the cash-in-lieu payment of $55,000,000 to meet social housing requirements of the *West End Rezoning Policy*.

Payment of the cash-in-lieu is to be made as outlined below, at no cost to the City, and on terms and conditions and in a form satisfactory to the Director of Legal Services and General Manager of Planning, Urban Design and Sustainability:

(a) $20,000,000 must be paid by wire transfer prior to the enactment of the rezoning by-law contemplated herein (the "Rezoning By-law").

(b) $35,000,000 (the "Outstanding Balance") must be secured, pursuant to 2.6 (d) and (e), with the City prior to enactment of the Rezoning By-law, and must be paid by wire transfer by the earlier of the following dates:

(i) The issuance of the demolition permit for the project; and

(ii) The date that is 24 months (measured in calendar days) following the date of enactment of the Rezoning By-law; and

(iii) For certainty, the City is entitled to full payment of the Outstanding Balance on that date which is 24 months after the date of enactment of the Rezoning By-law; and the Outstanding Balance will be charged interest from the enactment date of the Rezoning By-law at prime plus 2% (per Bank of Montreal daily prime rates) with interest owed and paid to the City on quarterly instalments until the date that the Outstanding Balance and interest are fully paid.

(c) The Owner will enter into a Deferred Cash-in-Lieu Agreement (which may be in the City's sole discretion be registered on title to the Lands), which will set out the particulars and obligations of the Owner in respect of the payment of the Outstanding Balance, as provided for herein, all on terms and conditions to the satisfaction of the Director of Legal Services, including a requirement that if the Owner should sell (in whole or in part), its interest in the development or the Lands or shares in the Owner or corporations which hold legal or beneficial interest in the Owner, then the City may immediately draw down or realize all of the hereinafter defined Security upon the closing of such sale transaction.

(d) Prior to enactment of the Rezoning By-law, the Outstanding Balance will be secured with the City by a Letter of Credit or Surety Bond in a form and on such terms and conditions in the sole discretion of the Director of Legal Services and Director of Finance (the "City Security").

(e) The City will be entitled to realize or draw down on the Security if the required payments are not made to the City in the amounts and at the times set out above as more particularly described in the Deferred Cash-in-Lieu Agreement. The Outstanding Balance and interest will also be secured by building permit and occupancy permit holds for the development and Section 219 covenants registered in the Land Title Act, as appropriate, on terms and conditions to the satisfaction of the Director of Legal Services in priority to all other registered parties. and to be released only on confirmation of receipt by the City of the full payment of the Outstanding Balance and interest.

(f) If enactment of the Rezoning By-law has not occurred prior to the date that is 24 months following the date of Council's approval in principle of this amending rezoning application, then the approval in principle may at such time be terminated, revoked, rescinded or reconsidered by Council, in its sole discretion, and this rezoning application or a revised rezoning application may be required to return to public hearing and shall in any event be brought to Council for consideration and Council's approval, including of an appropriate cash-in-lieu offering at such time.

Public Art

2.7 If required, enter into an agreement, or if acceptable to the Director of Legal Services, a modification of existing agreement CB20568-20576, satisfactory to the Director of Legal Services and the Managing Director of Arts & Culture for the provision of public art in accordance with the City's *Public Art Policy*, such agreement to provide for security in a form and amount satisfactory to the aforesaid officials; and provide development details to the satisfaction of the Public Art Program manager.

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

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1075 Nelson Street
PUBLIC INPUT

1. List of Engagement Events, Notification, and Responses

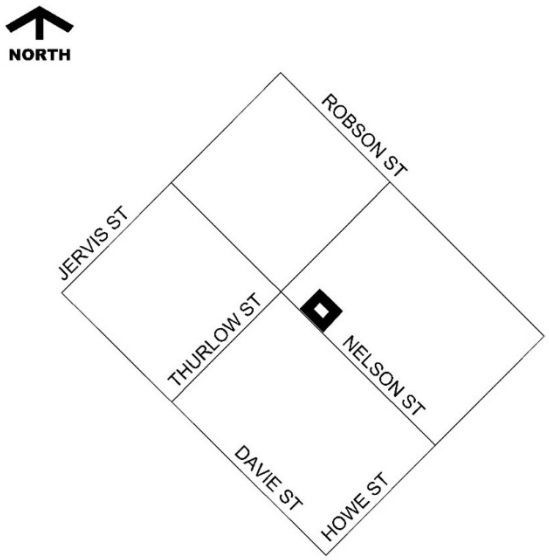
	Date	Results
Public Notification		
Postcard distribution – Notice of text amendment	December 19, 2024	9,552 notices mailed
Public Responses		
Online comment forms • Shape Your City platform	November 2024 – January 2025	40 submittals
Overall position • support • opposed • mixed	November 2024 – January 2025	40 submittals • 11 responses • 25 responses • 4 responses
Other input	November 2024 – January 2025	4 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	November 2024 – January 2025	497 participants (aware)* • 190 informed • 40 engaged

Note: All reported numbers above are approximate.

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

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

2. Map of Notification Area



NOTIFICATION AREA

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1075 Nelson Street
DRAFT 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)	• Applicants have distributed tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant has committed to monitor rental market and provide tenants requesting assistance with three options in Vancouver, including two options in the West End (unless otherwise agreed upon) that best meet the tenants' identified priorities. Options will be tailored to residents, wherever possible (e.g. pet friendly, smokefree, mobility considerations). • All options should rent at no more than Canadian Mortgage and Housing Corporation's average rents for the area, unless otherwise agreed to with the resident (i.e. resident may be looking for newer, bigger, unit etc. and prepared to pay more for such).
Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing	• The applicant is working with existing tenants with finding alternate accommodation. • For low income tenants and tenants facing other barriers to housing, as defined in the P, the applicant has committed to assisting in securing a permanent, suitable affordable housing option.
First Right of Refusal (if applicable)	• The applicant has committed to offering all eligible tenants the Right of First Refusal to return to the new building at either a 20% discount to city-wide average market rents by unit type for the City of Vancouver, as published annually, or at the tenant's rent at the time of rezoning application (plus allowable annual increases), whichever is less. • Any subsequent rent increases for returning tenants will be in line with the Residential Tenancy Act.

1075 Nelson Street
PUBLIC BENEFITS SUMMARY

Project Summary

Text amendment to permit the conversion of floor area originally intended for social housing into market rental housing and allow for the exclusion of balconies on the building's east and west elevations.

Public Benefit Summary

The project would generate and a cash payment for the delivery of off-site social housing, DCLs, a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	CD-1 (836)	CD-1 (836)
Floor Space Ratio (site area = 1,608 sq. m (17,308 sq. ft.)	24.7	24.7
Floor Area	39,694.9 sq. m (427,272 sq. ft).	39,744 m (427,801 sq. ft.)
Land Use	Residential	Residential

Summary of Development Contributions Expected under Proposed zoning

City-wide DCL [1]	$10,103,322
Utilities DCL [1]	$6,330,822
Public Art[2]	$847,044
Community Amenity Contribution - Cash-in-lieu	$55,000,000
TOTAL	**$72,281,188**

Other benefits (non-quantified components): 176 rental housing units secured for the greater of 60 years and the life of the building.

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

[2] 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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1053-1089 Nelson Street
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Property Information:

Address	Parcel Identifiers (PID)	Legal Description
1075 Nelson Street (formerly 1059-1083 Nelson Street)	031-725-953	Lot A Block 7 District Lot 185 Group 1 New Westminster District Plan EPP118708

Applicant Information:

Applicant/Architect	Brivia Group/Arcadis Architects Canada Inc.

Development Statistics:

	Permitted Under Existing Zoning	Proposed Amendment
Zoning	CD-1 (836)	CD-1 (836)
Site Area	1,608 sq. m (17,308 sq. ft.)	1,608 sq. m (17,308 sq. ft.)
Uses	Residential	Residential
Max. Density	24.7	24.7
Floor Area	39,694.9 sq. m (427,272 sq. ft.)	39,744.0 sq. m (427,801 sq. ft.)
Max. Height	Top of roof: 169.3 m (555.5 ft.) Top of mechanical screening: 178.5 m (585.5 ft.)	Top of roof: 169.3 m (555.5 ft.) Top of mechanical screening: 178.5 m (585.5 ft.)
Unit Mix	**Studio / 1BR / 2BR / 3BR / Total** Social housing: - / 54 / 24 / 24 / **102** Market rental: - / 30 / 20 / - / **50** Strata: - / 148 / 116 / 65 / **328** Total: **-** / **232** / **160** / **88** / **480**	**Studio / 1BR / 2BR / 3BR / Total** Social housing: - / - / - / - / **-** Market rental: - / 102 / 72 / 2 / **176** Strata: 1 / 173 / 148 / 35 / **357** Total: **1** / **275** / **220** / **37** / **533**
Parking, Loading and Bicycle Spaces	Vehicle Parking: 299 Bicycle Parking: 1,026 Loading Spaces: 2	Vehicle Parking: 294 Bicycle Parking: 1,088 Loading Spaces: 2

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