CITY OF VANCOUVER

REFERRAL REPORT

Report Date:	June 24, 2025
Contact:	Bryan Wong
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RTS No.:	18041
VanRIMS No.:	08-2000-20
Meeting Date:	July 8, 2025

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 2110 West 5th Avenue

RECOMMENDATION TO REFER

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

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

RECOMMENDATION FOR PUBLIC HEARING

A. THAT the application by Mondivan Properties Corporation, on behalf of W5 Arbutus Holdings Ltd., the registered owner of the lands located at 2110 West 5th Avenue [*Lots 8 to 10 of Block 264 District Lot 526 Plan 590; PIDs: 004-499-221, 004-499-239, and 004-499-247*], to rezone the lands from RM-4 (Residential) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 1.45 to 6.8 and the maximum building height from 10.7 m (35 ft.) to 65.2 m (214 ft.) with additional height for the portion with rooftop amenity, to permit the development of a 20-storey mixed-use residential building containing 160 rental units, of which 20% of the residential floor area will be for below-market rental units, and commercial space on the ground floor, be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Office of McFarlane Biggar Architects and Designers Inc., received July 25, 2024;

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

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

C. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the CD-1, generally as set out in Appendix C, be approved.

D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1, generally as set out in Appendix C;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

E. THAT Recommendations A to D be adopted on the following conditions:

(i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City, and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

(ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

(iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This application proposes to rezone 2110 West 5th Avenue from RM-4 (Residential) District to a CD-1 (Comprehensive Development) District. The application is for a 20-storey mixed-use residential building containing 160 rental units, of which 20% of the residential floor area will be below-market rental units, and commercial space on the ground floor. Staff have assessed the application and conclude that it meets the intent of the *Broadway Plan* (Plan).

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

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Vancouver Plan (2022)
- Broadway Plan (2022, last amended 2024)
- Interim Housing Needs Report (2022, last amended 2025)
- Housing Vancouver Strategy (2017)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992, last amended 2022)
- Community Amenity Contributions for Rezonings (1999, last amended 2024)
- Tenant Relocation and Protection Policy (2015, last amended 2019)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183
- Public Art Policy and Procedures for Rezoned Developments (1994, last amended 2014)
- Green Buildings Policy for Rezonings (2010, last amended 2024)
- Urban Forest Strategy (2014, last amended 2018)
- Latecomer Policy (2021)
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)

REPORT

Background/Context

1. Site and Context

The subject site is zoned RM-4 and located on the southwest corner of West 5th Avenue and Arbutus Street (Figure 1). The site consists of three legal parcels, with a frontage of 45.7 m (150 ft.) along 5th Avenue and a depth of 36.6 m (120 ft.) along Arbutus Street. The total site area is 1,673.4 sq. m (18,012 sq. ft.) and is developed with a three-storey apartment building constructed in 1967. The existing building contains 28 units of primary rental housing, and 25 tenancies are eligible for tenant protection under the *Tenant Relocation and Protection Policy* (TRPP).

The surrounding area is undergoing significant change, with redevelopment under the Plan and the Broadway Subway extension. Nearby properties under the Plan allow similar heights up to 20 storeys, and up to 30 storeys next to the future Broadway Subway Arbutus Station.

Neighbourhood Amenities – The following amenities are within close proximity:

- *Parks:* Delamont Park (220 m), Arbutus Greenway Park (750 m), Kitsilano Beach Park (750 m), Connaught Park (1.1 km), and Vanier Park (1.5 km).

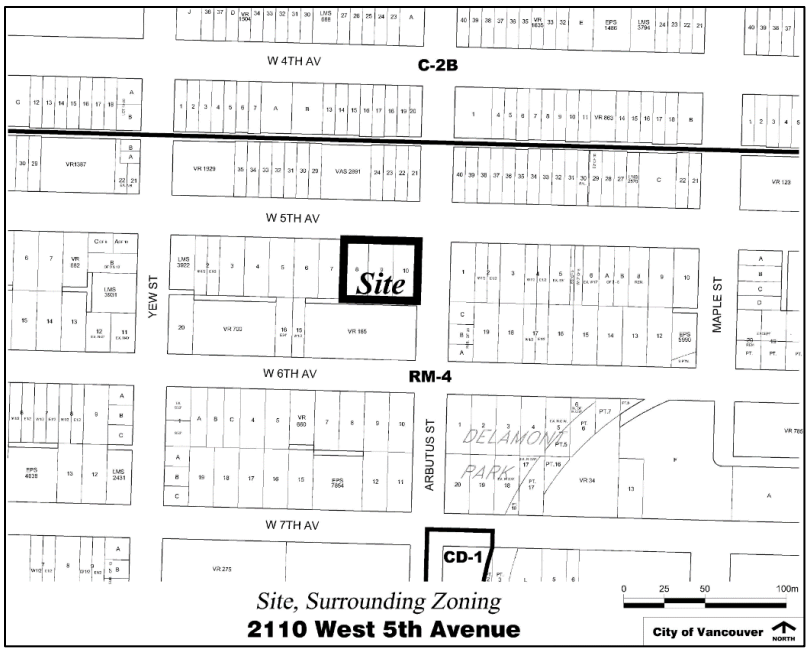
- *Cultural/Community Spaces:* Kitsilano Neighbourhood House (550 m), Kitsilano Showboat (1 km), Kitsilano War Memorial Community Centre (1.3 km), Kitsilano Library Branch (1.4 km), and Vancouver Academy of Music (1.5 km).

- *Childcare:* Kitsilano Area Childcare Society (220 m), Montessori Daycare Society (550 m), Madrona School Society (600 m), and Hudson Preschool and Out of School Care (750 m).

Local School Capacity – The site is within the catchment area of Henry Hudson Elementary School and Kitsilano Secondary School. According to the Vancouver School Board (VSB)'s *2020 Long Range Facilities Plan*, Henry Hudson Elementary and Kitsilano Secondary will be operating under capacity in the coming years, with a capacity utilization rate at 72% and 96%, respectively by 2031.

The City coordinates with the VSB to inform decision-making and reduce enrolment pressure, recognizing that some schools are full, but there is overall surplus capacity within their system. The VSB continues to monitor development and work with City staff to help plan for future growth.

Figure 1: Location Map – Site and Context



2. Policy Context

Vancouver Plan – 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 approved Plan will serve as a framework with further implementation planning work to follow over the next two to four years. The site is located within the Broadway Plan area which is generally in alignment with the Vancouver Plan.

Broadway Plan – The Plan is a comprehensive community plan for the area within Vine Street to Clark Drive and 1st Avenue to 16th Avenue. The 30-year plan focuses on opportunities to integrate new housing, jobs, and amenities around the new Broadway Subway.

The site is within the "Kitsilano North – Area A (KKNA)" neighbourhood of the Plan. Subsection 8.1.1 considers rezoning for a mixed-use residential building up to 20 storeys and an FSR of up to 6.5, containing rental and below-market rental units. Minor increases in height and density may be considered where ground-level local-serving retail, service, or childcare use is provided.

Interim Housing Needs Report – 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.

Transit-Oriented Areas (TOA) Designation By-law and Transit-Oriented Areas (TOA) Rezoning Policy – To align with provincial legislation, Council adopted a by-law and rezoning policy that establishes heights and densities for developments within Transit-Oriented Areas (TOAs). This site is within Tier Two of the TOA legislation. As the Plan allows more height and density, the application is being assessed under the Plan policies.

Strategic Analysis

1. Proposal

The rezoning proposal is to permit a 20-storey mixed-use residential building containing 160 rental units, of which 20% of the residential floor area will be below-market rental units, and commercial space on the ground floor (Figure 2). The building height is 65.2 m (214 ft.) with a total floor area of 11,379.1 sq. m (122,484 sq. ft.), and a floor space ratio (FSR) of 6.8. Loading and underground parking access are from the lane.

2. Land Use

The proposed residential and commercial uses are consistent with the Plan.

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

In assessing urban design performance, staff considered the Plan's built form expectations.

Form of Development – This application is consistent with the Plan for a 20-storey tower (see Figure 2). The proposed tower in the park with partial podium form generally meets the Plan's expectations for tower separation, floorplate size, view cones, setbacks, and building dimensions.

Height – The Plan anticipates up to 20 storeys and an additional partial storey for the rooftop amenities. The Plan also allows for a minor increase in height to facilitate the provision of ground floor commercial space. At 20 storeys with additional height for the rooftop amenity space, the proposed height is consistent with the Plan.

Density – The Plan estimates a density of up to 6.5 FSR with a consideration for a minor increase for ground-level local-serving retail/service uses. The application complies with the Plan's objectives and proposes a density of 6.8 FSR.

Figure 2: Perspective Above Arbutus Street and West 5th Avenue Looking Southwest

Public Realm and Interface – The Plan envisions animated building facades with entrances, windows, balconies and patios, and engaging landscape design. The proposal meets these expectations. Staff have prepared a condition to further enhance the public realm interface at the lane.

Private Amenity Space – The development offers on-site common indoor and outdoor amenities for the residents at grade and atop the tower. Staff have prepared a condition to reconfigure the roof top amenities enclosure to limit its prominence consistent with the built form guidance in the Plan.

Urban Design Panel – A review by the Urban Design Panel was not required due to the project's modest scale and consistency with the Plan's expectations.

Staff reviewed the site-specific conditions and have concluded that the proposal reflects the Plan's built form, height and density and is appropriate for the context. Staff support the application subject to the Urban Design conditions detailed in Appendix B.

4. Housing

The *Housing Vancouver Strategy* (Strategy) seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add approximately 160 purpose built rental units, including 127 market-rental units and 33 below-market rental units, to the

City's inventory of rental housing, which would contribute to the targets set out in the Strategy (see Figure 3).

Figure 3: Progress Towards 10-Year Housing Vancouver Targets (2024-2033) for Purpose-Built Market and Developer-Owned Below-Market Rental Housing as of March 31, 2025

Housing Type	Category	10-Year Targets[1]	Units Approved Towards Targets[2]
Purpose-Built Market Rental Housing Units	Market Rental	30,000	8,372 (28%)
	Developer-Owned Below Market Rental	5,500	1,337 (24%)
	Total	35,500	9,709 (27%)

[1]New 10-year targets were adopted in 2024, with tracking starting from January 1, 2024.
[2]Previous targets established in 2017 included 20,000 purpose-built rental, market and below-market combined, with tracking starting in 2017. As of December 31, 2023, 87% of the previous targets had been reached.
**Unit numbers exclude the units in this proposal, pending Council's approval of this application.*

Vacancy Rates – Vancouver has exhibited historically low vacancy rates in the last 30 years. In 2024, the purpose-built apartment vacancy rate was 1.6% in Vancouver. The vacancy rate (based on Canada Mortgage and Housing Corporation (CMHC) Market Rental Survey) for the Kitsilano/Point Grey area, which this site is located, is 1.0%. A vacancy rate of between 3% and 5% is considered to represent a balanced market.

Housing Mix – The Plan requires a minimum of 35% family units, including a minimum of 10% with three or more bedrooms and 25% with two bedrooms. While this application proposes 35.6% family units overall, only 7.8% three-bedroom market rental units, 9% two-bedroom below-market rental units and 27% overall non-market family units are proposed, thereby not meeting this policy. A condition of approval and a provision in the CD-1 By-law has been included to ensure that the policy requirement for a minimum of 25% two-bedroom units and minimum of 10% three-bedroom units is met separately in both the market rental and below-market portions. All family units must be designed in accordance with the *High Density Housing for Families with Children Guidelines*.

Average Rents and Income Thresholds – Figure 4 shows 2025 starting rents for below-market rental units. Average market rents and incomes served for newer rental buildings on the Westside are shown in the middle two columns, and costs for home ownership are shown in the far right columns. Figure 4 demonstrates that below-market rental housing and market rental housing provide options that are more affordable than home ownership.

If approved, starting rents for the below-market units will be 20% less the city-wide average market rents at the time of initial occupancy. On unit turnover, rents in the below-market units may be reindexed to 20% less the city-wide average market rent by unit type current at the time of unit turnover.

To qualify for a below-market rental unit, a household's gross annual income cannot exceed the maximum income requirements for the unit type, with at least one household member per bedroom. Policy 12.2.17 of the Plan specifies that below-market rental units will be subject to tenant income testing and monitoring requirements, as described in the *Rental Incentive Programs Bulletin*. All residents will have equal access to common indoor and outdoor amenities and facilities shown in Appendix B.

Figure 4: Below-Market Unit Average Rents, Market Rents in Newer Buildings, Cost of Ownership and Household Incomes Served

	Below-Market Rental Units[1]		Newer Rental Buildings Westside		Monthly Costs of Ownership for Median-Priced Apartment – Westside (with 20% down payment)		
	2025 Average Starting Rents[1]	Average Household Income Served[4]	Average Market Rent[2]	Average Household Income Served[4]	Monthly Costs of Ownership (BC Assessment)[3]	Average Household Income Served[4]	Down-payment at 20%[3]
Studio	$1,456	$58,248	$1,960	$78,400	$2,837	$113,480	$106,000
1-bed	$1,653	$66,132	$2,560	$102,400	$3,473	$138,920	$132,000
2-bed	$2,309	$92,340	$3,635	$145,400	$5,193	$207,720	$198,400
3-bed	$3,172	$126,864	$4,412	$176,480	$7,982	$319,280	$311,890

1. Starting rents shown are calculated based on a 20 per cent discount to city-wide average market rents as published by CMHC in the October 2024 Rental Market Survey and set in the Rental Incentive Programs Bulletin for the year 2025. Rents at initial occupancy will set at the same discount to city-wide average market rent current at the time of occupancy permit issuance.
2. Data from the October 2024 CMHC Rental Market Survey for buildings completed in 2014 or later on the Westside of Vancouver.
3. Based on the assumptions: Median of all BC Assessment strata apartment sales prices in Vancouver Westside in 2021 by unit type, 20% down-payment, 5% mortgage rate (in-line with qualifying rate), 25-year amortization, $250-$350 monthly strata fees and monthly property taxes at $2.92 per $1,000 of assessed value (2021 assessments and property tax rate).
4. Incomes are estimated based on rents or monthly ownership costs at 30% of income.

Security of Tenure – Purpose-built rental housing offers rental housing and security of tenure, unlike rented condominiums or basement suites in the secondary rental market. All 160 units in the proposal would be secured through a Housing Agreement and Section 219 Covenant for the longer of 60 years or the life of the building. Covenants will be registered on title to prohibit the stratification and/or separate sale of individual units.

The Housing Agreement will secure not less than 20% of the residential floor area that is counted in the calculation of the floor space ratio for below-market units to be rented at rates targeted to meet the affordability needs of moderate-income households. Between tenancies, the rent for a below-market rental unit will be re-indexed to the current CMHC average rent by unit type, applying the same discount rate as was secured at the time of occupancy permit issuance. Rent increases during each tenancy are capped at the Residential Tenancy Act (British Columbia) annual allowable rental increase. Conditions for securing the units are in Appendix B.

Existing Tenants – The rezoning site contains existing rental residential uses, including 28 units of primary rental housing. Out of the 27 existing residential tenancies, 25 residential tenancies are eligible under the City's *Tenant Relocation and Protection Policy* (TRPP) for the Plan area.

Should this project be approved by Council, the applicant will be required to submit a Tenant Relocation Plan (TRP) for all eligible tenants that meets the requirements of the City's TRPP for the Plan area prior to Development Permit issuance. Staff have prepared a draft TRP, summarized in Appendix E of this report, which reflects tenant protections of the Plan.

All existing residential tenancies are governed by the provincial Residential Tenancy Act.

5. Transportation and Parking

The site is well served by public transit, located 400 m north of the future Broadway Arbutus Subway station with bus service along Broadway, 4th Avenue, and Arbutus Street. Nearby bikeways are the Off-Broadway, Arbutus Greenway, and York bikeways which connect to the Cypress, Burrard, and Valley bikeways.

Vehicle and bicycle parking is provided over three levels of underground parking, accessed from the lane. The application proposes 50 vehicle spaces, 318 bicycle spaces, and three loading spaces. Parking and loading are to meet the Parking By-law at the development permit stage. Engineering conditions require public realm improvements along 5th Avenue and Arbutus Street. These improvements include new sidewalks, curbs, intersection lighting, a dedication and construction of a new lane, parking signage on streets, as set out in Appendix B.

6. Environmental Sustainability and Natural Assets

Green Buildings – The *Green Buildings Policy for Rezonings* requires that rezoning applications satisfy certain green and resilient building conditions. The applicant has submitted preliminary modelling analysis with design and construction strategies to meet the anticipated energy and emissions and embodied carbon targets in the Building By-law, a summary of the resilient building measures, and a commitment to fulfil energy system sub-metering and enhanced commissioning requirements.

Natural Assets – The *Urban Forest Strategy* seeks to protect and strengthen Vancouver's urban forest and tree canopy. The Protection of Trees By-law requires permission to remove trees that meet certain conditions to protect as many healthy, viable trees while still meeting the challenges of development and housing priorities.

One on-site and six City trees are proposed for retention. A total of four on-site trees and two City trees are proposed for removal due to poor condition and conflict with the building footprint. A total of 30 new trees are proposed with removal of trees subject to a landscape plan and arborist report during the development permit process. See Appendix B for landscape and tree conditions.

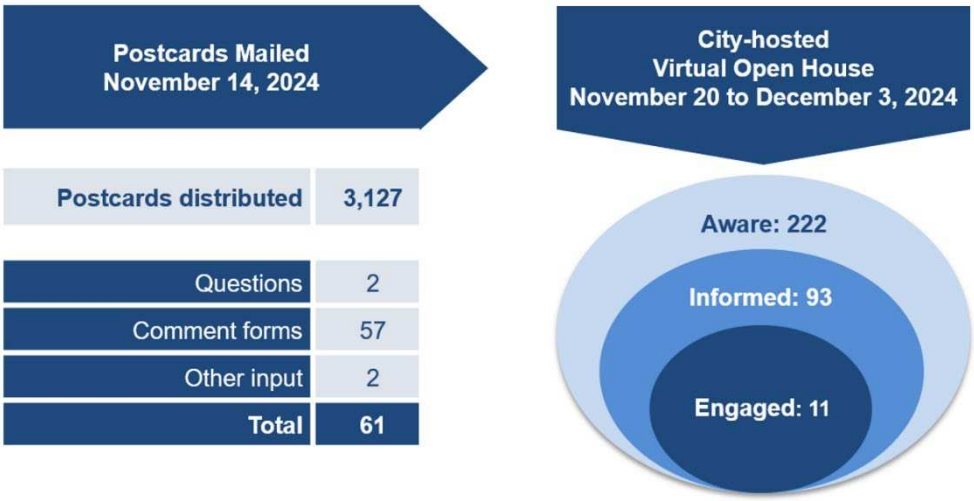
7. Public Input

Public Notification – A site sign was installed on November 6, 2024. Approximately 3,127 postcards were distributed within the neighbouring area on or about November 14, 2024. Application information and an online comment form was provided on the City's *Shape Your City* platform.

Question and Answer Period – A Question and Answer Period was held from November 20, 2024 to December 3, 2024 on the *Shape Your City* platform. The Question and Answer Period consisted of an open-question online event where questions were submitted by the public and posted with a response over a period of two weeks. The webpage received a total of 222 visitors during this period. A digital model was posted for online viewing (Figure 5).

Public Response – Public input was received via online questions, comment forms, by email and phone. A total of 61 submissions were received. Below is a summary of feedback received from the public and a detailed summary is located in Appendix D.

Figure 5: Overview of Notification and Engagement



Generally, comments of support fell within the following areas:

- *Housing units:* Adds much needed housing units.
- *Height, density, and massing:* Due to the location of the development, the height and density is appropriate.
- *Access to transit:* Development is supported given adjacency to transit options.

Generally, comments of concern fell within the following areas:

- *Height, density, and massing:* The height of the proposal would be too tall in an area that only contains low to mid rise developments.
- *Development:* The development raises concerns about the demolition of older, renovated, and affordable buildings, making way for newer and unaffordable high-rise towers.
- *Neighbourhood character:* The development takes away the neighbourhood character, history, and natural environment. The project would also not provide any value to the community.
- *Affordable housing:* More affordable and below market rental units are required.

Response to Public Comments

Height, density, and massing: The proposal meets the height and density policies contained in the Plan. The proposed tower in the park with partial podium form generally meets the Plan's expectations for tower separation, floorplate size, setbacks, and building dimensions.

Development: The rezoning site contains existing rental residential uses, including 28 units of primary rental housing. All eligible tenants meeting the requirements of the City's TRPP for the Plan area will be eligible for 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.

Neighbourhood character: The Plan envisions animated building facades with entrances, windows, balconies and patios, in addition to engaging landscape design. The proposal meets

these expectations. Staff have prepared urban design conditions to further enhance the public realm interface at the lane.

Affordable housing: The Housing Agreement will secure no less than 20% of the residential floor area for below-market units to be rented at rates targeted to meet the affordability needs of moderate-income households. The rent for below-market rental units will be indexed to the current CMHC average rent by unit type and will apply a discount rate secured at the time of occupancy permit issuance. Conditions for securing the units are in Appendix B.

8. Public Benefits

Community Amenity Contributions (CAC) – This application is subject to a negotiated CAC under the *Community Amenity Contributions Policy for Rezonings*. Real Estate Services staff reviewed the application and given the cost of securing the rental housing units including the 20% of the residential floor area at below-market rents, have determined no CAC is expected.

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

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

Based on rates in effect as of September 30, 2024 and the proposed 11,219.1 sq. m (120,762 sq. ft.) of residential floor area and 160.0 sq. m (1,722 sq. ft.) of commercial floor area, it is expected that the project will pay DCLs of $1,840,508. The value of the City-wide DCL waiver for the residential floor area is estimated to be $2,852,007. Compliance with City-wide DCL waiver requirements will continue to be assessed through the development permit stage up to occupancy permit issuance at which point the applicant will be required to submit a rent roll that sets out the initial monthly rents for each unit.

DCL rates are subject to future adjustment by Council including annual inflationary adjustments. DCLs are payable at building permit issuance based on rates in effect at that time. A development may qualify for 12 months of in-stream rate protection from DCL rate increases, provided that an application has been received prior to the rate adjustment. See the City's DCL Bulletin for details on DCL rate protection.

Public Art Program – The application is subject to a public art contribution estimated at $242,517. The final contribution will be calculated based on the 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).

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

Financial Implications

As noted in the Public Benefits section this project is expected to provide 160 rental units, of which 20% of the residential floor area will be secured at below-market rents, DCLs and a public

art contribution. See Appendix G for additional details.

CONCLUSION

Staff conclude that the proposed land use, form of development, and public benefits are consistent with the objectives of the Broadway Plan. If approved, this application would make a contribution to the key housing goals outlined in the Housing Vancouver Strategy.

The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing, together with the draft CD-1 By-law as generally shown in Appendix A. Staff recommend that the by-law be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B.

* * * * *

2110 WEST 5TH AVENUE
PROPOSED CD-1 BY-LAW PROVISIONS

Note: A by-law to rezone an area to CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Zoning District Plan Amendment

1. This by-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan attached as Schedule A to this by-law, and incorporates Schedule A into Schedule D of By-law No. 3575.

   [*Note: Schedule A, not attached to this appendix, is a map that amends the City of Vancouver zoning map. Should the rezoning application be referred to Public Hearing, Schedule A will be included with the draft by-law that is prepared for posting.*]

Designation of CD-1 District

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 (___).

Definitions

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

   (a) for the purposes of calculating the total dwelling unit area for section 5.1 of this by-law, “Dwelling Unit Area” is the floor area of each dwelling unit, measured to the inside of all perimeter walls, excluding any floor area as required by section 6.5 of this by-law; and

   (b) “Below-Market Rental Units” means dwelling units that meet the requirements of approved Council policies and guidelines for below-market rental housing, as secured by a housing agreement and registered on title to the property.

Uses

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

   (a) Cultural and Recreational Uses;

   (b) Dwelling Uses, limited to Mixed-Use Residential Building;

   (c) Institutional Uses;

   (d) Retail Uses;

(e) Service Uses;

(f) Utility and Communication Uses; and

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

Conditions of Use

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

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

(a) be suitable for family housing; and

(b) have 2 or more bedrooms, of which:

(i) at least 25% of the total dwelling units must be 2-bedroom units, and

(ii) at least 10% of the total dwelling units must be 3-bedroom units.

5.3 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building, other than the following:

(a) display of flowers, plants, fruits and vegetables in combination with a permitted use;

(b) farmers' market;

(c) neighbourhood public house;

(d) public bike share; and

(e) restaurant,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this by-law.

Floor Area and Density

6.1 Computation of floor area must assume that the site area is 1,673.4 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 6.8.

6.3 The total floor area for commercial uses must be a minimum of 160.0 m^2.

6.4 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.

6.5 Computation of floor area and dwelling unit area must exclude:

(a) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that:

(i) the total area of these exclusions must not exceed 12% of the permitted floor area, and

(ii) the balconies must not be enclosed for the life of the building;

(b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;

(c) floors or portions thereof that are used for:

(i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,

(ii) bicycle storage, and

(iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;

(d) entries, porches and verandahs if the Director of Planning first approves the design;

(e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 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.

6.6 The Director of Planning or Development Permit Board may exclude common amenity areas from the computation of floor area, to a maximum of 10% of the total permitted floor area, if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.

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

Building Height

7.1 Building height must not exceed 65.2 m.

7.2 Despite section 7.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space, architectural features, or mechanical appurtenances including elevator overrun and rooftop access structures, the height of the portions of the building with the permitted common rooftop amenity space, architectural features, or mechanical appurtenances must not exceed 72.6 m.

Access to Natural Light

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

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

* * * * *

2110 WEST 5TH AVENUE
CONDITIONS OF APPROVAL

Note: If the application is referred to a Public Hearing, these Conditions of Approval will be referenced in the Summary and Recommendations included in the hearing agenda package. Any changes to the conditions approved by Council will be contained in its decision. Applicants are advised to consult the hearing minutes for any changes or additions to these conditions.

PART 1: CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

Note: Consideration by Council at the Public Hearing of the proposed form of development is in reference to plans prepared by Office of McFarlane Biggar Architects and Designers Inc., received on July 25, 2024.

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

Urban Design

1.1 Design development to improve the apparent height and massing of the building consistent with the Plan.

Note to Applicant: Suggested strategies include:

(a) Reduce the floor-to-floor height of the podium levels to match the residential levels above. Note that additional height for the ground level can be considered due to the provision of local serving retail;

(b) Reconfigure the top floor amenities enclosure to be set back from the edges of the building from all sides. This is to limit the prominence of the additional storey per the Plan's built form guidance. Note that the provision of hollow frames can be considered to retain the architectural expression; and

(c) Avoid double height areas at the roof top amenities level.

1.2 Design development to further enhance the public realm interface.

Note to Applicant: Suggested strategies include integrating rear service spaces into the building footprint as much as possible, including loading bays; bicycle parking; waste room/enclosure.

Landscape

1.3 Provision of a Letter of Consent from the property owner of 2140 West 5th Avenue for the removal of trees #13, #14, and #15.

Note to Applicant: These trees are on the neighbouring property, and are proposed for removal in the submitted documents. In the event that tree removal consent cannot be obtained, building design development will be required to retain these trees.

1.4 Provision of a detailed Landscape Plan illustrating soft and hard landscaping for the complete site, including rooftops (where applicable).

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

1.5 Provision of detailed architectural and landscape cross sections (minimum 1/4-inch scale) through common open spaces, semi-private patio areas and planters.

Note to Applicant: The sections should illustrate the slab design and location, the soil profile, tree root ball, tree canopy and any associated landscaping. For private patios and amenity areas, illustrate and dimension planters on slab, planter sizes (inside dimension), soil, root ball, retaining walls, steps, patios and portions of the adjacent building, such as residential units or amenity rooms.

1.6 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 at pbdevelopment.trees@vancouver.ca 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 6 cm 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".

1.7 Provision of confirmed trenching locations for utility connections, avoiding conflict with tree root zones and addition of the following note: “Trenching for utility connections to be coordinated with Engineering Department to ensure safe root zones of retained trees. Methods of tree protection for street trees to be approved by Park Board Urban Forestry”.

Note to Applicant: Methods of tree protection for street trees (as approved by Park Board Urban Forestry) to be shown on plan. Relocation of trenching locations are required if in conflict with tree protection. Two separate applications must be applied for: A commercial water permit and another commercial sewer permit. Please contact Engineering services as soon as possible to begin the process for confirming the trenching locations for Sewer and for Water.

Sustainability

1.8 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.*

Housing

1.9 The proposed unit mix, including 44 studio units (27.5 %), 59 one-bedroom units (36.9%), 41 two-bedroom units (25.6 %), 16 three-bedroom units (10 %), is to be revised in the Development Permit drawings to achieve at least 10% three-bedroom units and 25% two-bedroom units, separately in both the market rental and below-market portions.

Note to Applicant: Any changes in the unit mix from the rezoning application may be varied under the discretion of the Director of Planning or Development Permit Board provided that it does not go lower than 35% of the market rental units and 35% of the below-market rental units, designed to be suitable for families with children, of which at least 25% must be two-bedroom units and at least 10% must be three-bedroom units.

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

(a) An outdoor amenity area to include areas suitable for a range of children's play activities and urban agriculture appropriate in size for the scale of the project and situated to maximize sunlight access (Section 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 (Section 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 (Section 3.7.3); and

(d) A balcony for each unit with 1.8 by 2.7 m minimum dimensions (Section 4.3.2).

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

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

Engineering

1.12. Provision of construction details to determine ability to meet municipal design standards for shotcrete removal (City of Vancouver Design Guidelines, Construction Standards and Encroachment By-law (#4243) section 3A) and access around existing and future utilities adjacent your site prior to Building Permit issuance.

Note to Applicant: Current construction practices regarding shotcrete shoring removals have put City utilities at risk during removal of encroaching portions of the shoring systems. Detailed confirmations of these commitments will be sought at the Building Permit stage with final design achievements certified and confirmed with survey and

photographic evidence of removals and protection of adjacent utilities prior to Occupancy Permit issuance. Please contact Engineering Services at shoringreview@vancouver.ca for details.

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

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

1.13 The owner or representative is to contact Engineering Services at StreetUseReview@vancouver.ca to acquire the project's permissible street use after Building Permit issuance.

Note to Applicant: Prepare a mitigation plan to minimize street use during excavation and construction (i.e. consideration to the building design or sourcing adjacent private property to construct from) and be aware that a minimum 60-day lead time is required for any major crane erection/removal or slab pour that requires additional street use beyond the already identified project street use permissions.
https://vancouver.ca/home-property-development/construction-street-use-permits.aspx

1.14 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.

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

1.16 Provision of garbage and recycling storage amenity design to the satisfaction of the General Manager of Engineering Services.

Note to Applicant: Draw and label container outlines and if the site is mixed-use, demonstrate separated solid waste amenities for use types, and label each amenity.

Amenities designed below grade require written confirmation from a waste hauler that access and pick up from the location can be made without reliance of the new lane for extended bin storage. If this cannot be confirmed, then an on-site garbage bin staging area is to be provided adjacent the new lane. Pick up operations should not require the use of public property for storage, pick up or return of bins to the storage location.

1.17 Submission to Engineering of an updated landscape plan reflecting all the public realm changes, including demonstration of:

(a) Display of the following note(s):

(i) "This plan is **"NOT FOR CONSTRUCTION**" and is to be submitted for review to Engineering Services a minimum of 8 weeks prior to the start of any construction proposed for public property. No work on public property may begin until such plans receive "For Construction" approval and related permits are issued. Please contact Engineering, Development and Major Projects and/or your Engineering, Building Site Inspector for details.";

(ii) "Tree species, final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. New trees must be of good standard, minimum 6 cm caliper, and installed with approved root barriers, tree guards and appropriate soil volumes. Installation of Engineered Soil may be required to obtain appropriate soil volumes based on site conditions. Root barriers shall be of rigid construction, 8 feet long and 18 inches deep, centre on each street tree adjacent to the sidewalk and any off-street bike facility. Planting depth of root ball must be below sidewalk grade. Contact Park Board at pbdevelopment.trees@vancouver.ca for inspection after tree planting completion";

(iii) “Off-site assets are to be constructed to the satisfaction of the General Manager of Engineering Services and as per the approved City geometric design, with the final design and location to be determined once the City geometric is received.”; and

Note to Applicant: Drawings submitted as part of the Development Permit application will be preliminary with appropriate placeholders, and the final off-site geometric design will be provided by the City of Vancouver. An Engineering Project Coordinator will engage the Developer to facilitate the delivery of any City design after Development Permit issuance.

(iv) “The required Green Infrastructure improvements on 2110 West 5th Avenue will be as per City-issued design.”;

Note to Applicant: Callouts must be included along with the note.

(b) Existing locations of:

(i) Street furniture; and

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

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

(ii) Poles and guy wires;

Note to Applicant: Poles and guy wires that are to be removed or relocated must be called out and the existing and proposed locations shown. Letters must be provided from the appropriate public utility companies that confirm that pole relocation proposed is possible.

(c) Deletion of:

(i) Proposed pavers from the City boulevard on West 5th Avenue and Arbutus Street; and

Note to Applicant: Surface treatments in hardscape areas of the boulevard and plaza are to be in standard concrete only.

(ii) Removal of existing walls and other structures from the new lane right-of-way (ROW);

(d) All proposed streetscape materials on City property to be City standard materials.

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

Note to Applicant: Where a design detail is not available, make note of the improvement on the plan. Public realm changes include all off-site improvements sought for this rezoning. The Streets Design Guidelines are viewable online at https://vancouver.ca/streets-transportation/streetscape-design-guidelines.aspx and are to be used alongside the City design guidelines and construction standards.

1.18 Provision of a Transportation Demand Management (TDM) Plan.

Note to Applicant: Submit TDM Plan A, B, C or D. Council approved amendments to the Parking Bylaw and the *Transportation Demand Management (TDM) Administrative Bulletin*. These requirements will apply to site development permits following this rezoning.

1.19 Update the architectural plans to provide:

(a) All types of parking, loading, bicycle, end-of-trip facilities, and passenger loading spaces individually numbered, and labelled on the drawings;

(b) Dimensions of columns and column encroachments into parking spaces;

(c) Section drawings showing elevations and minimum vertical clearances for parking levels, loading bays, ramps, and to the underside of raised security gates considering mechanical projections and built obstructions; and

(d) Design elevations at all breakpoints on both sides of ramps, drive aisles, loading and passenger loading spaces, accessible spaces, and entrances.

1.20 Provision of a Final Hydrogeological Study, to the satisfaction of the General Manager of Engineering Services and the Director of Planning, which addresses the requirements outlined in the *Groundwater Management Bulletin*.

Note to Applicant: A revised version of the *Groundwater Management Bulletin* was released on November 1, 2024. All Rezoning and Development Permit applications for developments with 1 or more levels of below-ground structure (but excluding lower density residential buildings with 8 or fewer units) located in an area of concern for groundwater will have to meet the requirements of the revised Bulletin. Further

information on requirements can be found here:
https://guidelines.vancouver.ca/bulletins/bulletin-groundwater-management.pdf

1.21 Provision of a sewer abandonment plan by the Developer's Engineer that details the following:

(a) 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.

1.22 Provision of all third-party utility services (e.g., BC Hydro, Telus, and Shaw) to be underground. BC Hydro service to the site to be primary, and all required electrical plants to be provided within private property.

Note to Applicant: BC Hydro System Vista, Vista switchgear, pad mounted transformers, low profile transformers and kiosks as well as telecommunications kiosks are to be located on private property with no reliance on public property for placement of these features.

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

1.23 A Key Plan shall be submitted by the applicant and approved by the City prior to any third-party utility drawing submissions, and third-party utility service drawings will not be reviewed by the City until the Key Plan is defined and achieves the following objectives:

(a) The Key Plan shall meet the specifications in the City of Vancouver *Engineering Design Manual* Section 2.4.4 Key Plan https://vancouver.ca/files/cov/engineering-design-manual.PDF; and

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

Note to Applicant: It is highly recommended that the applicant submits a Key Plan to the City for review as part of the Building Permit application.

Use of street for temporary power (e.g., temporary pole, pole mounted transformer or ducting) is to be coordinated with the City well in advanced of construction. Requests will be reviewed on a case-by-case basis with justification provided substantiating need of street space against other alternatives. If street use for temporary power is not approved, alternate means of providing power will need to be proposed. An electrical permit will be required.

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

1.24 Show all City supplied building grades (BGs) and entranceway design elevations (DEs) on the architectural and landscape plans, while ensuring any topographic survey used

for design purposes is derived from a benchmark with elevations consistent with those denoted on the City issued building grade plan.

Note to Applicant: When providing additional property line elevations for proposed entrances, interpolate a continuous grade between the elevations provided on the City supplied building grade plan.

Building Grade design is in the preliminary state. Finalized building grades are required prior to Development Permit application.

For more information, please contact Engineering, Streets Design Branch at building.grades@vancouver.ca or call 604-871-6373.

https://vancouver.ca/home-property-development/building-grades-for-sidewalk-and-street-elevation.aspx.

PART 2: CONDITIONS OF BY-LAW ENACTMENT

THAT, prior to enactment of the CD-1 By-law, the registered owner shall on terms and conditions satisfactory to the Director of Legal Services, the General Manager of Planning, Urban Design and Sustainability, 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, the Director of Legal Services and the Approving Officer for the consolidation of Lots 8 to 10, Block 264, District Lot 526, Plan 590 to create a single parcel and the dedication of the south 10 feet for lane purposes.

Note to Applicant: A subdivision plan and application to the Subdivision and Strata Group is required. For general information see the subdivision website at: http://vancouver.ca/home-property-development/apply-to-subdivide-or-join-properties.aspx

2.2 Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for release of an Easement and Indemnity Agreement 435571M (commercial crossing) prior to building occupancy.

Note to Applicant: Arrangements are to be secured prior to zoning enactment, with release to occur prior to issuance of an occupancy permit for the site. Provision of a letter of commitment will satisfactorily address this condition for zoning enactment.

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, or any portion thereof, or for any building or improvements thereon will be issued until the letter of credit or such other form of

alternative security that may be acceptable to the City in its sole discretion, as security for the services is provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. Except as explicitly provided for in Condition 2.4(a) and 2.4(b), the Services are not excess and/or extended services, and the applicant is not entitled to a Latecomer Agreement.

Notes 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 domestic and fire flow demands of the project;

Notes to Applicant: Based on the confirmed Fire Underwriter's Survey Required Fire Flows and domestic flows submitted by Creus Engineering Ltd dated July 11, 2024, no water main upgrades are required to service the development.

The main servicing the proposed development is 300 mm. The maximum water service connection size is 300 mm.

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 and to maintain acceptable sewer flow conditions, implementation of development(s) at 2110 West 5th Avenue require:

(i) Separate existing 86.0 m of existing 200 mm COMB sewer into 375 mm STM and 200 mm SAN sewer between MH_419560 fronting 2140 West 5th Avenue and MH_419561 at the intersection of Arbutus Street and West 5th Avenue;

Note to the Applicant: The lengths and diameters of these improvements are approximate and subject to detailed design by Developer's Engineer.

Developer's Engineer to submit design brief, calculations and/or model, and design drawings to the City. All submittals including Issued for Construction (IFC) drawings are required to be reviewed and accepted by the City Engineer prior to building permit issuance.

Development to be serviced to the proposed 200 mm SAN and 375 mm STM sewers in West 5th Avenue.

(c) Provision of street improvements with appropriate transitions, along Arbutus Street adjacent to the site, including:

(i) Minimum 3.0 m wide broom finish saw-cut concrete sidewalk;

(ii) Corner curb ramp;

(iii) Removal of the existing driveway crossing and reconstruction of the curb and gutter;

(iv) Curb and gutter, including road reconstruction as required to accommodate the new curb and gutter; and

Note to Applicant: Road reconstruction on Arbutus Street to meet City "Higher Zoned Street" standards.

(v) Relocation of the exiting lamp standard in conflict with the future laneway access;

Note to Applicant: Final design of these street improvements should also follow the *Broadway Public Realm Plan*.

(d) Provision of street improvements, and appropriate transitions, along West 5th Avenue adjacent to the site, including:

(i) Minimum 2.1 m wide broom finish saw-cut concrete sidewalk;

(ii) New concrete curb and gutter;

(iii) Corner curb ramp; and

(iv) Curb bulge, including relocation of the existing catch basin, and road reconstruction as required to accommodate the curb bulge;

Note to Applicant: The City will provide a geometric design for all of these street improvements. Final design of these street improvements should also follow the *Broadway Public Realm Plan*.

(e) Provision for the construction of a new 20 ft. wide lane within the lane dedication area along the south side of the site, with appropriate transitions including:

(i) Full depth asphalt pavement construction;

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

(ii) Installation of one new catch basin at the eastern extent of the lane to capture laneway surface water runoff;

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

(iii) Construction of new retaining wall as required to facilitate the construction of the new lane to City standards; and

(iv) New standard concrete lane crossing, with new lane returns and ramps on both sides, at the lane entry.

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

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

(f) Provision Green Infrastructure improvements to the satisfaction of the General Manager of Engineering Services, including:

(i) Installation of a bioretention system in the corner curb bulge on West 5th Avenue at Arbutus Street to treat and retain 90% of average annual rainfall from the right-of-way (RoW) to the greatest extent practical.

Note to Applicant: These improvements generally include placement of plants, growing medium, and perforated pipe sub drain connected to the sewer system. To be coordinated with Streets and Transportation.

Green Infrastructure (GI) should be used to manage rainwater from the street right-of-way as required in the *Rain City Strategy*. The retention standard for the right-of-way is to treat and retain 90% of average annual rainfall where possible. These design standards are applied to the prescribed GI measures listed above. For further information, contact Green Infrastructure Implementation Branch, ESRGGIIDL@vancouver.ca

(g) Provision of upgraded street lighting (roadway and sidewalk) to current City standards and IESNA recommendations;

(h) Provision of Arbutus Street and West 5th Avenue entire intersection street lighting upgrade to current City standards and IESNA recommendations;

(i) Provision of new or replacement duct bank that meets current City standard;

Notes to Applicant: Duct banks are to consist of electrical, communication ducts and cables and connect to existing electrical and communication infrastructure.

Note to Applicant: A Development and Major Projects construction coordinator will contact the Applicant in the Development Permit stage and coordinate the submission of the detailed Electrical design. The detailed Electrical design is required prior to the start of any associated electrical work and is to conform with the current City Engineering Design Manual, Construction Specifications, Standard Detail Drawing, Canadian Electrical Code, and the Master Municipal Construction Documents.

(j) Provision of street trees where space permits; and

Note to Applicant: Final spacing, quantity and location to the satisfaction of the General Manager of Engineering Services. Tree species to the approval of the City Arborist. Street tree planting to include appropriate soil volumes and approved root barriers of rigid construction, 8’ long and 18” deep, centre on each

street tree adjacent to the sidewalk and any off-street bike facility. Installation of Engineered Soil under new sidewalks may be required to obtain appropriate soil volumes based on site conditions.

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

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

(a) Sewer upgrades as per condition 2.3(b); and

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

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

(b) New lane construction as per condition 2.3(e).

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

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

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

Housing

2.5 Make arrangements to the satisfaction of the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services to enter into a Housing Agreement and a Section 219 Covenant to secure all residential units as class A for-profit affordable rental housing, excluding Senior's Supportive or Assisted Housing, and including at least 20% of the residential floor area that is counted in the calculation of the dwelling unit area per the CD-1 By-law to be secured as below-market rental dwelling housing units, and the remaining units to be secured as market rental units, subject to the conditions set out below for such units and in accordance with the requirements set out in the *Broadway Plan*, for a term equal to the longer of 60 years and the life of the building and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require. The agreement or agreements will include but not be limited to the following terms and conditions:

(a) A no separate-sales covenant;

(b) A no stratification covenant;

(c) A provision that none of the units will be rented for less than 90 days at a time;

(d) That the average initial starting monthly rents by unit type for the below-market rental housing dwelling units in the project will be at least 20% below the average market rent for private rental apartment units city-wide as published by the most recent Canada Mortgage and Housing Corporation in the Rental Market Survey Data Tables for Vancouver at the time when the Occupancy Permit is issued;

(e) That a rent roll indicating the agreed maximum average initial monthly rents for the below-market rental housing dwelling units will be required prior issuance of an Occupancy Permit, to the satisfaction of the General Manager of Planning, Urban Design and Sustainability (or successor in function) and the Director of Legal Services;

(f) Following initial occupancy, on a change in tenancy for a below-market rental housing dwelling unit, the starting rent for such new tenancy will be at least 20% below the rent for private rental apartment units city-wide as published by the Canada Mortgage and Housing Corporation in the most recent Rental Market Survey Data Tables for Vancouver for that unit type at the time of the change in tenancy;

(g) That the applicant will verify eligibility of new tenants for the below-market rental housing dwelling units, based on the following:

(i) For new tenants, annual household income cannot exceed four (4) times the annual rent for the unit (i.e. at least 25% of household income is spent on rent); and

(ii) There should be at least one occupant per bedroom in the unit.

(h) That the applicant will verify the ongoing eligibility of existing tenants in below-market rental housing dwelling units every five (5) years after initial occupancy:

(i) For such tenants, annual household income cannot exceed five (5) times the annual rent for the unit (i.e. at least 20% of income is spent on rent); and

(ii) There should be at least one occupant per bedroom in the unit.

(i) On an annual basis, or at the request of the City, the applicant will report to the City of Vancouver on the operation of the below-market rental housing dwelling units which will ensure that the City can confirm that the units are being operated as agreed, and will include a rent roll for the below-market rental housing dwelling units, and a summary of the results of eligibility testing for these units; and

(j) Such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability (or successor in function) and the Director of Legal Services may require in their sole discretion.

Note to Applicant: This condition will be secured by a Section 219 Covenant and a Housing Agreement to be entered into by the City by by-law enacted pursuant to section 565.2 of the Vancouver Charter prior to enactment of the rezoning by-law.

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

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

(b) Provide a notarized declaration prior to issuance of the Development Permit that demonstrates that each tenant has been given written notice of the intent to redevelop the property; that indicates the number of units occupied on the date of the notice; and includes copies of a letter addressed to each eligible tenant summarizing the Tenant Relocation Plan offer and signed as received by each eligible tenant;

(c) Provide an Interim Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Demolition Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building; each tenant's choice of either the financial compensation or temporary rent top-up option; the names of any tenants who have ended their tenancy; the reason for its end (e.g. tenant decision or mutual agreement to end tenancy); the outcomes of their search for alternate accommodation (if assistance was requested by the tenant), and their temporary rent top up amount for the first year of tenancy in the alternative unit (if applicable) and total compensation amount(s); the names of tenants still remaining in the building; the status of the applicant's search for relocation options (if assistance was requested by the tenant) and/or additional assistance rendered, as required through their Tenant Relocation Plan. A copy of the Temporary Rent Top-Up Calculation Form for each tenant that chooses the Temporary Rent Top up option must also be provided with the Interim Tenant Relocation Report; and

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

(d) Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building, or another building (if applicable) and their starting rent, and for those not returning to the new building, the outcome of their search for alternate accommodations and the total monetary value given to each tenant (moving costs, financial compensation, total rent-top up amount, any other compensation).

Public Art

2.7 Execute an agreement satisfactory to the Director of Legal Services and the Director of Arts and 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.

Note to Applicant:

(a) Consult with the City's Head of Public Art regarding opportunities for investment in public spaces as per the *Broadway Plan*.

(b) Provide development details to the satisfaction of the Director of Arts and Culture, or their designate (a checklist will be provided) confirming the selection of Option A: Art on Site, or Option B: 80% cash-in-lieu of art.

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

Environmental Services

2.8 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 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 sites as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the By-law and at no cost to the City.

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

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2110 WEST 5TH AVENUE
PROPOSED CONSEQUENTIAL BY-LAW AMENDMENTS

Note: By-laws will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

DRAFT AMENDMENTS TO THE SIGN BY-LAW NO. 11879

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

"2110 West 5th Avenue [CD-1 #] [By-law #] C-2"

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

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

"[CD-1 #] [By-law #] 2110 West 5th Avenue"

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2110 WEST 5TH AVENUE
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

	Date	Results
Event		
Question and Answer Period (City-led)	November 20, 2024 – December 3, 2024	222 participants (aware)* • 93 informed • 11 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and Q&A Period	November 14, 2024	3,127 notices mailed
Public Responses		
Online questions	November 20, 2024 – December 3, 2024	2 submittals
Online comment forms • Shape Your City platform	November 2024 – April 2024	57 submittals
Overall position • support • opposed • mixed	November 2024 – April 2024	57 submittals • 13 responses • 43 responses • 1 response
Other input	November 2024 – April 2024	2 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	November 20, 2024 – December 3, 2024	1,186 participants (aware)* • 542 informed • 56 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:

- **Housing units:** Adds much needed housing units.
- **Height, density, and massing:** Due to the location of the development, the height and density is appropriate.
- **Access to transit:** Development is supported given adjacency to transit options.

Generally, comments of concern fell within the following areas:

- **Height, density, and massing:** The height of the proposal would be too tall in an area that only has low to mid rise developments.
- **Development:** The development raises concerns about the demolition of older, renovated, and affordable buildings, making way for newer and unaffordable high-rise towers.
- **Neighbourhood character:** The development takes away the neighbourhood character, history, and natural environment. The project would also not provide any value to the community.
- **Affordable housing:** more affordable and below market rental units are required.

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:

- Commercial and retail use is supported.
- Trees are protected and proposed green roof is supported.
- *The Tenant Relocation and Protection Policy* (TRPP) is applicable and will protect tenants.
- Bicycle parking is appropriate.
- Car share is supported.

General comments of concern:

- There are concerns for tenant displacement.
- Proposal will create more congestion and parking in surrounding area will worsen.
- There is a lack of existing amenities and infrastructure to accommodate the additional density.
- The project lacks sufficient environmental considerations, contributing to air pollution and absences of greenery.
- Area is turning into downtown.
- Shadow and light access.
- Concerns that feedback is not heard.

Neutral comments/suggestions/recommendations:

- A lower or mid-rise building would be preferred.
- This rezoning should be expedited.
- Would like to see street parking removed and additional space dedicated to public patios.

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2110 WEST 5TH AVENUE
DRAFT SUMMARY OF TENANT RELOCATION PLAN TERMS

Tenant Relocation and Protection Requirements	Tenant Relocation Plan Offer

Financial Compensation	The choice of either:
	• 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:
	  ○ 4 months' rent for tenancies up to 5 years;
	  ○ 5 months' rent for tenancies over 5 years and up to 10 years;
	  ○ 6 months' rent for tenancies over 10 years and up to 20 years;
	  ○ 12 months' rent for tenancies over 20 years and up to 30 years;
	  ○ 18 months' rent for tenancies over 30 years and up to 40 years; and
	  ○ 24 months' rent for tenancies over 40 years.
	Or:
	• For tenants that wish to exercise their Right of First Refusal to return to the new building, a temporary rent top-up to mitigate rent increases while waiting to return to the new building.
	Or:
	• A one-time lump sum rent top-up payment, equivalent to the estimated value of a rent top-up for 36 months.

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 be required to commit to monitor rental market and provide tenants requesting assistance with three options in Vancouver that best meet the tenants' identified priorities.
Additional Support for Low Income Tenants or Tenants Facing Other Barriers to Appropriate Housing	• For low income tenants and tenants facing other barriers to housing, as defined in the TRP Policy, the applicant will be required to commit to assisting in securing a permanent, suitable affordable housing option.
First Right of Refusal	• The applicant will be required to commit to offering all eligible tenants the Right of First Refusal to return to the new building at either a 20% discount to city-wide average market rents by unit type for the City of Vancouver, as published annually, or at the tenant's current rent, whichever is less.

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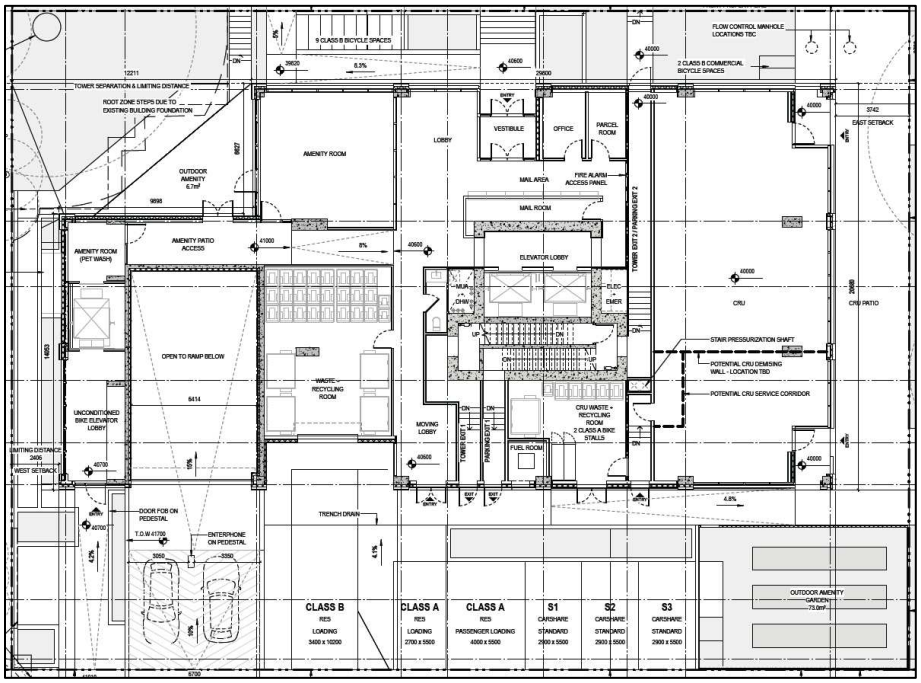
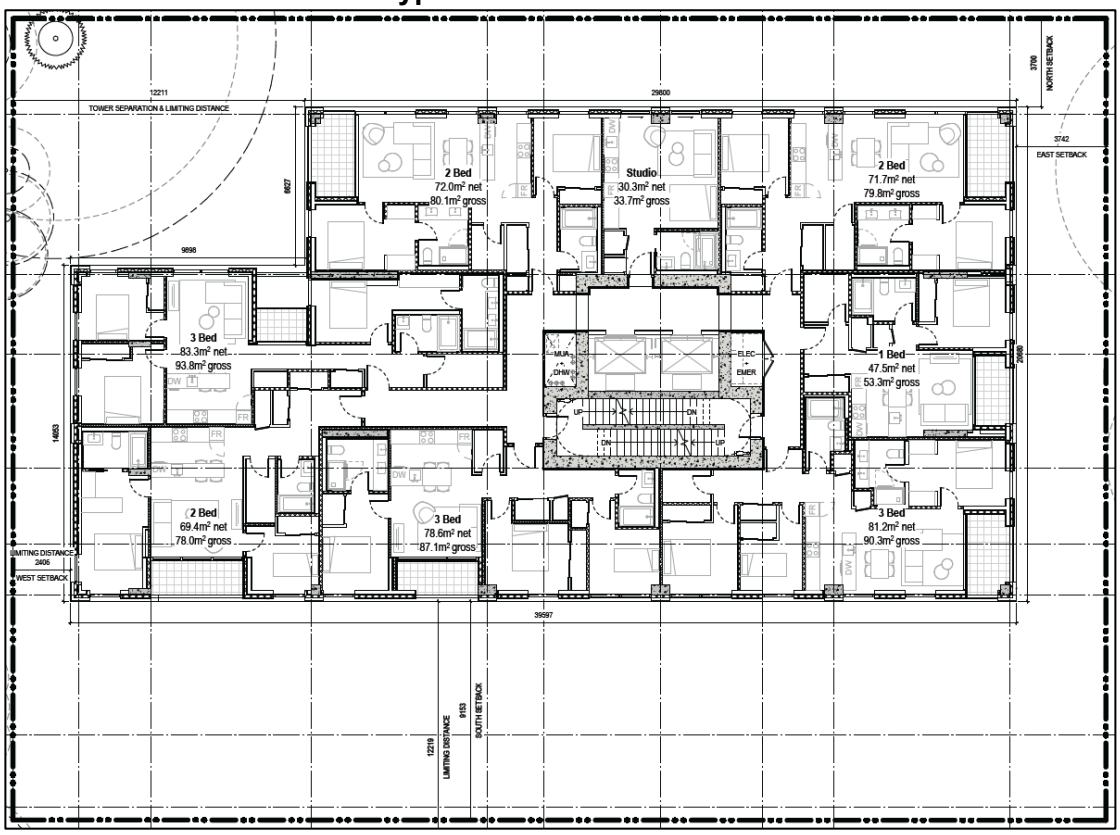
2110 WEST 5TH AVENUE
FORM OF DEVELOPMENT DRAWINGS

Ground Floor Plan

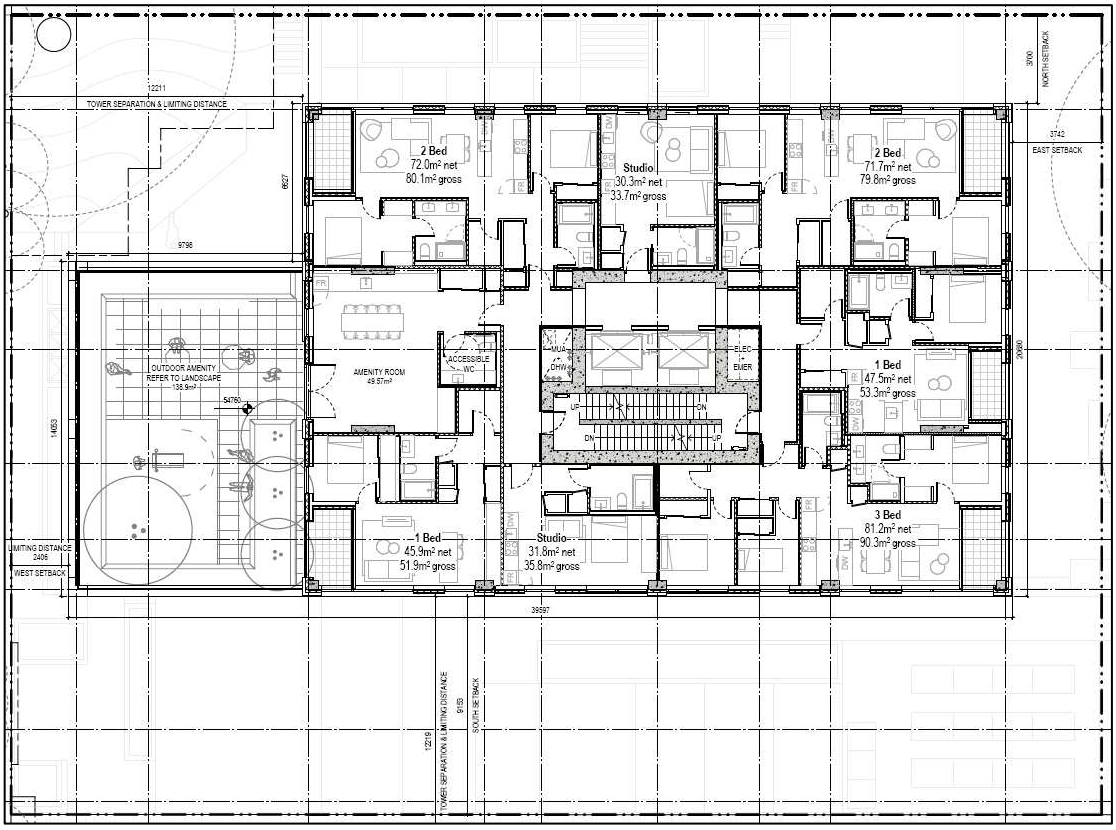


Perspective as Viewed from West 5th Avenue Looking Southeast

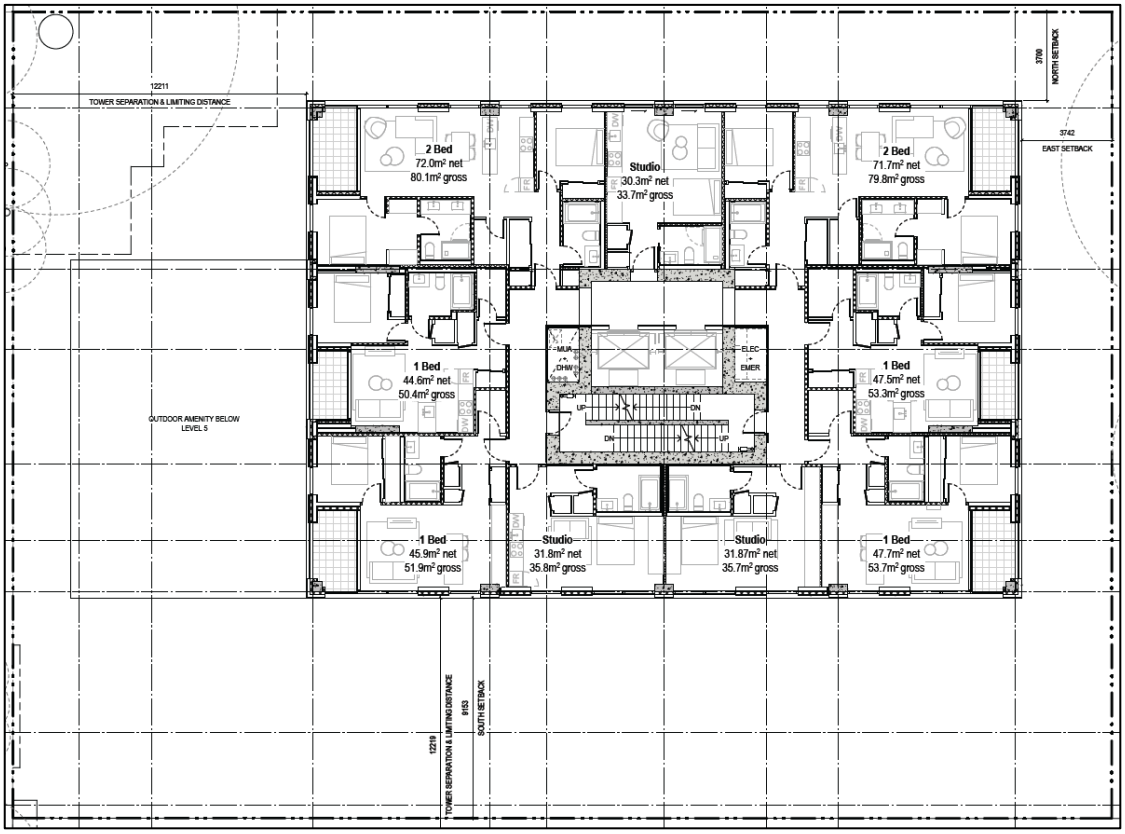
Typical – Podium Floor Plan



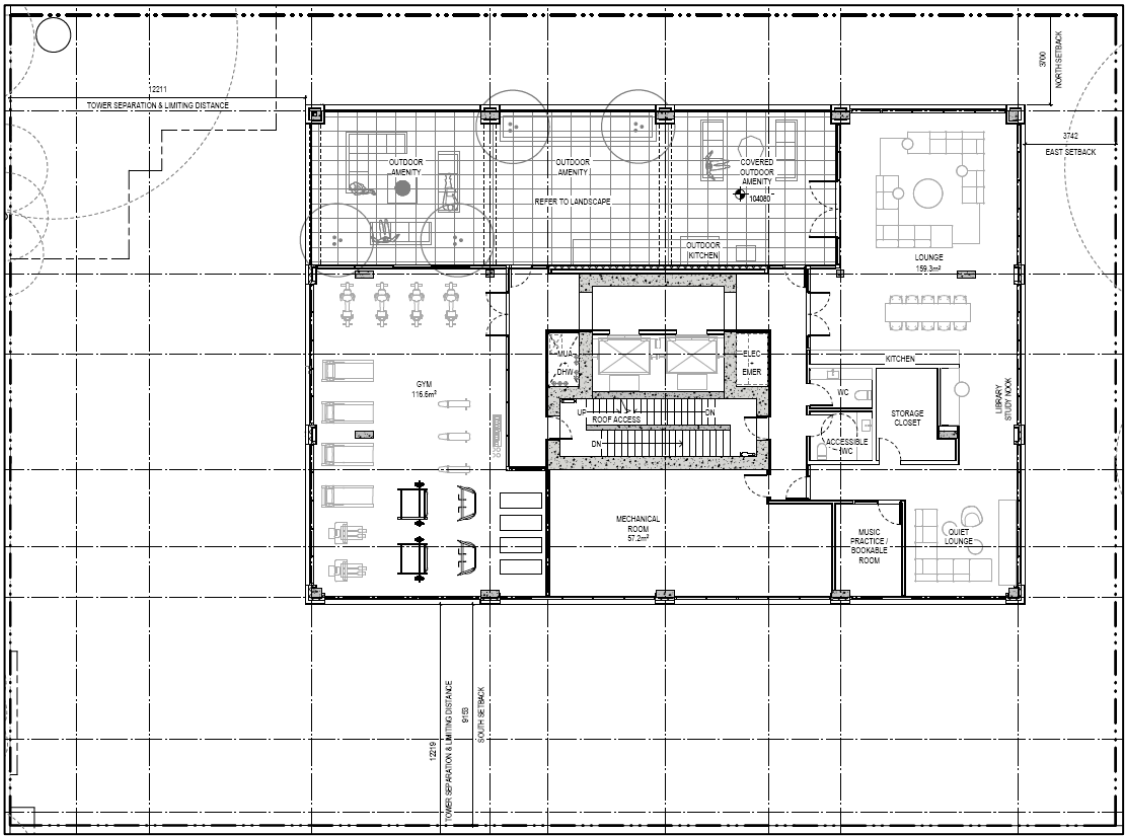
Level Five – Top of Podium Floor Plan



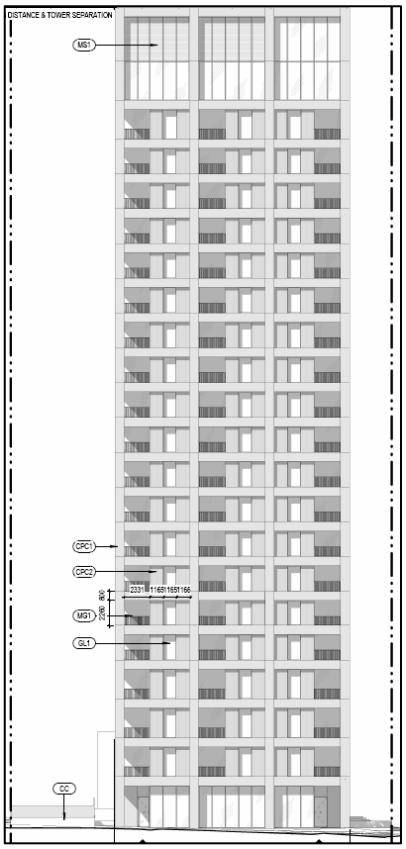
Typical – Tower Floor Plan



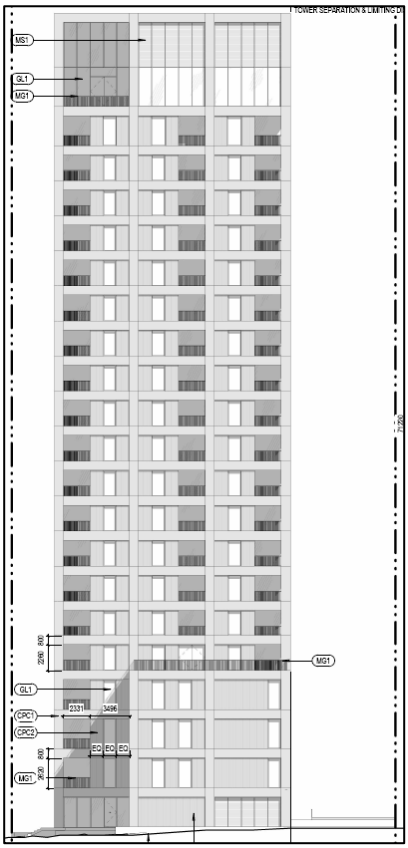
Rooftop Amenity Level



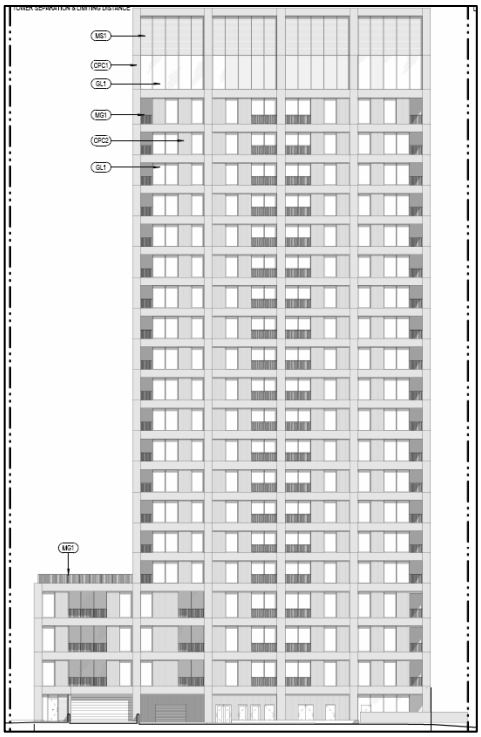
East Elevation



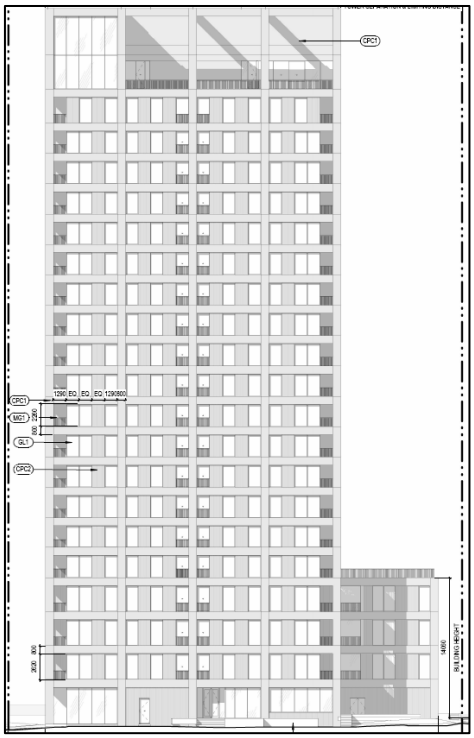
West Elevation



South Elevation



North Elevation



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2110 WEST 5TH AVENUE
PUBLIC BENEFITS SUMMARY

Project Summary

20-storey mixed-use residential building containing 160 rental units, of which 20% of the residential floor area will be secured at below-market rents, and commercial space on the ground floor.

Public Benefit Summary:

160 rental units, of which 20% of the residential floor area will be at below-market rents, secured with a Housing Agreement for the greater of 60 years and the life of the building, a DCL payment, and a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	RM-4	CD-1
FSR (site area of 1,673.4 sq. m / 18,012 sq. ft.)	1.45	6.8
Buildable Floor Space	2,426.4 sq. m (26,118 sq. ft.)	11,379.1 sq. m (122,484 sq. ft.)
Land Use	Residential	Commercial and Residential

Summary of Development Contributions Expected Under Proposed Zoning

City-wide DCL[1,2]	$40,674
Utilities DCL[1]	$1,799,834
Public Art[3]	$242,517
TOTAL	**$2,083,025**

Other benefits (non-quantified): 160 rental units, of which 20% of the residential floor area would be rented at below-market rates, secured for the greater of 60 years and the life of the building.

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

[2] The applicant has requested and is expected to be eligible for a Class A (100%) waiver of the City-wide DCL applicable to residential portion of the building. The value of the anticipated City-wide DCL waiver is estimated at $2,852,007. The application is therefore subject to the maximum average starting rents and unit sizes by unit type applicable to "class A for-profit affordable rental housing" as per the By-law. These requirements will be secured by a Housing Agreement, and compliance will be assessed through the development permit stage to occupancy permit issuance.

[3] Based on rates in effect as of 2016. Rates are subject to adjustments, see Public Art Policy And Procedures For Rezoned Developments for details.

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2110 WEST 5TH AVENUE
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Address	Property Identifiers (PIDs)	Legal Description
2110 West 5th Avenue	004-499-221	Lot 8 Block 264 District Lot 526 Plan 590
	004-499-239	Lot 9 Block 264 District Lot 526 Plan 590
	004-499-247	Lot 10 Block 264 District Lot 526 Plan 590

Applicant Information

Applicant	Mondivan Properties Corporation
Owner	W5 Arbutus Holdings Ltd.
Architect	Office of McFarlane Biggar Architects and Designers Inc.

Development Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	RM-4	CD-1
Site Area	1,673.4 sq. m (18,012 sq. ft.)	1,673.4 sq. m (18,012 sq. ft.)
Land Use	Residential	Commercial and Residential
Maximum Density	1.45 FSR	6.8 FSR
Floor Area	2,426.4 sq. m (26,118 sq. ft.)	11,379.1 sq. m (122,484 sq. ft.)
Maximum Height	10.7 m (35 ft.)	65.2 m (214 ft.) to the top of the roof parapet and 72.6 m (238 ft.) to the top of the rooftop amenity space and mechanical appurtenances
Parking, Loading and Bicycle Spaces	Per Parking By-law	Vehicle Parking 50 Bicycle Parking 318 Loading Spaces 3 To be confirmed at development permit stage
Natural Assets	5 existing on-site by-law trees and 8 City trees	1 on-site tree to be retained 6 City trees to be retained 4 on-site and 2 City trees to be removed 30 new on-site and City trees To be confirmed at development permit stage

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