CITY OF VANCOUVER

REFERRAL REPORT

Report Date:	January 21, 2025
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Meeting Date:	February 4, 2025

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 396 East 2nd 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 zoning 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 Colliers International on behalf of 396 East 2nd Avenue Holdings Ltd, the registered owner of the lands located at 396 East 2nd Avenue [*PID 007-473-036; Lot 1 Block 27 District Lot 200A Plan 16479*], to rezone the lands from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 6.4 and the building height from 10.7 m (35 ft.) to 65.9 m (216 ft.) with additional height for rooftop amenity space, to permit a 22-storey rental residential building containing 273 rental units, of which 20% of the residential floor area will be secured as below-market rental units, be approved in principle;

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

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Kasian Architecture, Interior Design and Planning, received March 6, 2024, with revisions received June 26, 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 Recommendations A and B be adopted on the following conditions:

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

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

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

REPORT SUMMARY

This report evaluates an application to rezone the site at 396 East 2nd Avenue from RM-4 (Residential) District to CD-1 (Comprehensive Development) District. The proposal is to permit a 22-storey rental building, with an additional partial storey for a rooftop amenity space. The proposal consists of 273 rental units, of which 20% of the residential floor area will be secured as below-market rental units under the *Broadway Plan* (the “Plan”).

Staff have assessed the application and conclude that it meets the intent of the Plan. Staff support the application, subject to design development and other conditions. Staff recommend that the application be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it in principle, subject to the public hearing, and conditions contained in Appendix B.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Vancouver Plan (2022)
- Broadway Plan (2022, last amended 2024)
- Interim Housing Needs Report (2025)
- Housing Vancouver Strategy (2017)
- Family Room: Housing Mix Policy for Rezoning Projects (2016)
- High-Density Housing for Families with Children Guidelines (1992, last amended 2022)
- Transit-Oriented Areas (TOA) Designation By-law (2024)
- Transit-Oriented Areas (TOA) Rezoning Policy (2024)

- Tenant Relocation and Protection Policy (2015, last amended 2019)
- Rental Incentives Program Bulletin (2012, last amended 2024)
- Urban Forest Strategy (2016, last amended 2018)
- Public Art Policy for Rezoned Developments (2014, last amended 2021)
- Green Buildings Policy for Rezonings (2010, amended 2023)
- Community Amenity Contributions Policy for Rezonings (1999, last amended 2024)
- Vancouver Development Cost Levy By-law No. 9755
- Vancouver Utilities Development Cost Levy By-law No. 12183

REPORT

Background/Context

1. Site and Context

The subject site is comprised of one parcel, encompassed by 2nd Avenue, Brunswick Street, Prince Edward Street, and a lane to the south (see Figure 1). The site area is approximately 2,581.9 sq. m (27,791 sq. ft.) and is zoned RM-4 (Residential). The surrounding area contains a mix of uses including residential and light industrial. Located to the northeast is St. Francis Xavier elementary school. The site is currently developed with a purpose-built rental building. The existing building was constructed in 1978 and it is not listed on the Vancouver Heritage Register. At the time of application, 53 units were tenanted. The *Tenant Relocation and Protection Policy* (TRPP) applies.

The neighbourhood is undergoing significant change with future redevelopment of the Plan, as well as with the extension of Skytrain. The future Broadway Subway Great Northern Way-Emily Carr Station is located one block to the northeast and the surrounding redevelopment is anticipated to include commercial/service uses. The Broadway Subway Project Tunnel runs beneath the site and a statutory right-of-way at the west side of the site at approximately 9 m (30 ft.) depth impacts development at this site.

Figure 1: Surrounding Zoning and Context

Neighbourhood Amenities – The following amenities are within close proximity:

- *Parks* – Guelph Park (180 m), Carolina Park (380 m), Sahalli Park (500 m), and Creekside Park (800 m).
- *Community and Cultural Spaces* – Mount Pleasant Community Centre and Library (350 m), Creekside Community Recreation Centre (900 m).
- *Childcare* – St Francis Xavier Montessori Child Care Centre (100 m), 3 Corners Child Care Centre II (350 m), St. Michael's Church Daycare Centre (400 m).

Local School Capacity – The site is located within the catchment area of Mount Pleasant Elementary School and Vancouver Technical Secondary School. According to the Vancouver School Board (VSB)'s 2020 *Long Range Facilities Plan*, Mount Pleasant Elementary is currently operating at 75% capacity and by 2031 is forecasted to be operating at 68% capacity. Vancouver Technical Secondary is operating at 94% with an expected capacity of 78% by 2031. The VSB report notes that overall enrolment trends for the wider area are changing. The VSB continues to explore options to reduce pressure on schools in this area, monitor development, and work with City staff to help plan for future growth.

2. Policy Context

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 *Vancouver Plan* serves as a framework with further implementation planning work to follow over the coming 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 located within the Mount Pleasant North Apartment Area - Area A (MNAA) sub-area 10.19 of the Plan. The Plan allows for consideration of 20-storey rental housing towers up to 6.5 FSR, with a minimum of 20% of the residential floor area secured at below-market rents. Minor increases in height and density can be considered for delivery of ground-level commercial or private childcare.

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

Housing Vancouver Strategy – 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 and below market rental housing units.

Transit-Oriented Areas Designation By-law and Transit-Oriented Areas Rezoning Policy – To align with provincial legislation, Council adopted a by-law and rezoning policy that

establishes heights and densities for developments within a Transit-Oriented Area ("TOA"). This site is within Tier 1 of the TOA legislation. As the Plan allows more density, the application is being assessed under the *Broadway Plan* policies.

Strategic Analysis

1. Proposal

The proposal is for a 22-storey residential building with 273 rental units of which 20% of the residential floor area is for below-market units (Figure 2). The proposed height is 65.9 m (216 ft.) with additional height for the portion with rooftop amenity. A total floor area of 16,524.2 sq. m (177,865 sq. ft.) and a floor space ratio (FSR) of 6.4 are proposed. Two levels of underground parking are accessed from the lane. Revisions to the application were provided to optimize the shadow impacts and for by-law compliance.

Figure 2: Proposed Building Looking West

2. Land Use

The proposed residential use is consistent with the Plan.

3. Form of Development, Height and Density (Refer to drawings in Appendix C and statistics in Appendix G)

In assessing form of development and urban design performance, staff considered the built form expectations of the Plan.

Form of Development – This proposal, consisting of a podium and tower, is generally consistent with the Plan's form of development policy for a mixed-use mid/high-rise typology (see Figure 2).

Tower Height, Floorplate, Podium Height and Shadowing – The Plan anticipates a maximum tower height of 20 storeys with an additional partial storey for rooftop amenities, along with a

floorplate of 604 sq. m (6500 sq. ft.) and a 4-storey podium. Per the Plan, podium height of up to six storeys can be considered to improve solar access to nearby key public spaces by relocating the density from a tower. On a large site such as this, the Plan would typically anticipate two towers with a connecting podium. However, the single 22-storey tower with a larger floor plate of 669 sq. m (7200 sq. ft.) and increased podium height of six storeys, minimizes shadowing on the adjacent independent school and future transit plaza to the north (see shadow study in Appendix C for further details). Staff supports the minor variances and have included a condition in Appendix B to further reduce visual bulk, improve the tower and podium expression, and to maintain the existing shadow performance onto northern neighbours.

Density – The Plan anticipates a maximum density of 6.5 FSR and the proposal complies with the objectives of the Plan.

Setbacks – The proposal meets the above grade setback requirements of 3.7 m (12 ft.) on all three of the street frontages. The front yard on Brunswick Street includes a 1.5 m (5 ft.) statutory right-of-way and the 3.7 m (12 ft.) underground setback has been relaxed to allow a minor encroachment of the parkade to accommodate the Broadway Subway Project tunnel. Refer to the Engineering conditions, along with the site plan and sections in Appendix C for further context.

Private & Common Amenity Space – The proposal provides an appropriate amount of common indoor and outdoor amenity space, along with private outdoor spaces in the form of balconies for all units.

Urban Design Panel – A review by the Urban Design Panel was not required due to the application's consistency with the expectations and policy of the Plan.

Conclusion – Staff have reviewed the proposal and have considered the site conditions, context and public feedback, and conclude that the proposed form of development meets the intent of the urban design principles in the Plan. Staff support the application subject to the Urban Design conditions detailed in Appendix B.

4. Housing

The *Housing Vancouver Strategy* seeks to deliver a range of housing tenures across the housing continuum. This application, if approved, would add 273 units, including 218 market rental units and approximately 55 below-market rental units (20% of the residential floor area), to the City's inventory of rental housing, which would contribute to the targets set out in the Housing Vancouver Strategy (see Figure 3).

Figure 3: Progress Towards 10 Year Housing Vancouver Targets (2024-2033) for Secured Market Rental Housing as of September 30, 2024

Housing Type	Category	10-Year Targets[1]	Units Approved Towards Targets[2]
Purpose-Built Market Rental Units[3]	Market Rental	30,000	3,958 (13%)
	Developer-Owned Below Market Rental	5,500	441 (8%)
	Total	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.

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 Mount Pleasant/Renfrew Heights area, which this site is located in, is 0.5%. A vacancy rate of between 3% and 5% is considered to represent a balanced market.

Housing Mix - The Plan requires a minimum of 35% family units, including a minimum of 10% of units with three or more bedrooms and 25% of units with two bedrooms. This application proposes 40.8% market rental family units in a mix of 31.6% two-bedroom and 9.2% three-bedroom units, and 21.8% below-market rental family units in a mix of 16.4% two-bedroom and 5.5% three-bedroom units, thereby not meeting this policy in the market rental and below-market rental portions.

A condition of approval and a provision in the CD-1 By-law has been included to ensure the Plan policy requirement for a minimum of 25% two-bedroom units and minimum of 10% three-bedroom units is met separately in both the market rental and below-market portions. Family units must be designed in accordance with the *High-Density Housing for Families with Children Guidelines*.

Average Rents and Income Thresholds - Figure 4 below shows starting rents for below-market rental units for 2023. Average market rents and incomes served for newer rental buildings on the eastside are shown in the middle two columns, and costs for home ownership are shown in the right-hand 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.

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

	Below-Market Rental Units		Newer Rental Buildings Eastside		Monthly Costs of Ownership for Median-Priced Apartment – Eastside (with 20% down payment)		
	Starting Rents (2023)[1]	Average Household Income Served	Average Market Rent (CMHC, 2023)[2]	Average Household Income Served	Monthly Cost of Ownership (BC Assessment 2021)[3]	Average Household Income Served	Down-payment at 20%
Studio	$1,223	$48,928	$1,776	$71,040	$2,200	$88,000	$79,550
1-bed	$1,429	$57,152	$2,116	$84,640	$2,885	$115,400	$108,000
2-bed	$1,969	$78,752	$2,839	$113,560	$3,809	$152,360	$141,300
3-bed	$2,395	$95,808	$3,245	$129,800	$5,565	$222,600	$213,000

1. *Starting rents shown are calculated based on a 20 per cent discount to city-wide average market rents as published by CMHC in the October 2023 Rental Market Survey. 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 October 2023 CMHC Rental Market Survey for buildings completed in 2014 or later on the Eastside of Vancouver.*
3. *Based on the assumptions: Median of all BC Assessment strata apartment sales prices in Vancouver Eastside in 2021 by unit type, 20% down-payment, 5% mortgage rate (in-line with qualifying rate), 25-year amortization, $250-$350 monthly strata fees and monthly property taxes at $2.92 per $1,000 of assessed value (2021 assessments and property tax rate).*

To qualify for a below-market rental unit, a household's gross annual income cannot exceed the maximum income requirements for the unit type, (see Figure 4) with at least one household member per bedroom. Policy 12.2.17 of the Plan specifies that below-market rental units will be subject to tenant income testing and monitoring requirements, as described in the *Rental Incentive Program Bulletin*. All residents will have equal access to common indoor and outdoor amenities and facilities shown in Appendix 4.

Security of Tenure

Purpose-built rental housing offers permanent rental housing and security of tenure, unlike rented condominiums or basement suites in the secondary rental market. All 273 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. Rent increases during each tenancy are capped at the Residential Tenancy Act annual allowable rental increase. Conditions related to securing the units are contained in Appendix B.

Existing tenants

The rezoning site contains existing rental residential uses, including 53 units of primary rental housing. Of the existing residential tenancies, 44 of the total 53, 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 at the development permit stage. Staff have prepared a draft TRP which reflects the Plan's tenant protections, summarised in Appendix E of this report.

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

5. Transportation and Parking

The site is well served by public transit, located one block away from the future Broadway Subway Great Northern Way-Emily Carr Station as well as within one block of frequent bus service on Great Northern Way. The property is also within one block of the Central Valley Greenway. Parking, loading, bicycle and passenger loading spaces are required to meet the Parking By-law at the time of development permit. Proposed parking reductions may be considered at the development permit stage with acceptable Transportation Demand Management (TDM) measures. Engineering conditions related to upgraded street lighting, new bike lane and speed humps are included in Appendix B.

6. Environmental Sustainability and Natural Assets

Green Buildings –The *Green Buildings Policy for Rezonings* requires that rezoning applications satisfy the green and resilient building conditions. The applicant submitted preliminary modelling analysis with strategies to meet energy and emissions 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 throughout the project.

Natural Assets – The *Urban Forest Strategy* seeks to protect and strengthen Vancouver's urban forest and tree canopy. The Protection of Trees By-law requires permission to remove trees that meet certain conditions to protect as many healthy, viable trees while still meeting the challenges of development and housing priorities. The application proposes retention of five of nine existing street trees. There are 35 on-site trees proposed for removal due to poor condition and conflict with the building footprint. Staff have prepared a condition to retain one onsite tree located along the front property line. Approximately 11 new on-site trees and eight new street trees are proposed at the ground level. A detailed tree review, and the final number of new trees will be determined through the development permit process. Landscaping is proposed within the amenity areas located above the podium and rooftop. See Appendix B for landscape conditions.

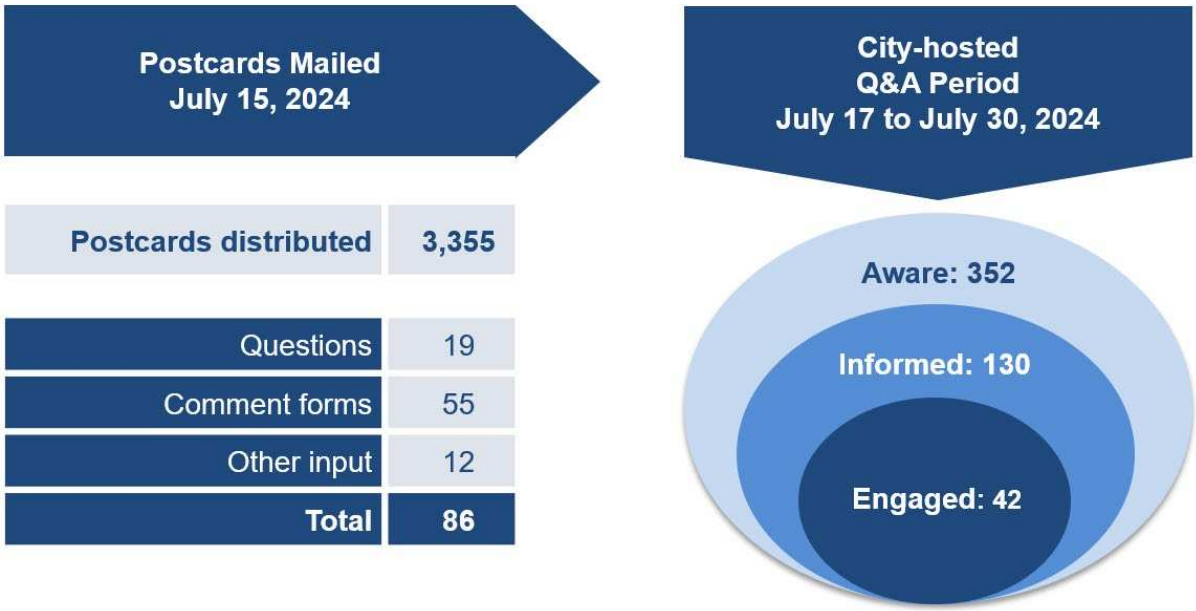
7. Public Input

Public Notification – A rezoning information sign was installed on the site on July 3, 2024. Approximately 3,355 notification postcards were distributed within the neighbouring area on or about July 15, 2024. Application information and an online comment form was provided on the Shape Your City (shapeyourcity.ca/) platform.

Question and Answer Period – A question and answer period was held from July 17, 2024 to July 30, 2024. Questions were submitted by the public and posted with a response over a two week period. A digital model was made available for online viewing.

Public Response and Comments – Public input is collected via online questions, comment forms, through email, and by phone. A total of 86 submissions were received.

Figure 5: Overview of Notification and Engagement



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

Generally, comments of support fell within the following areas:

- **Height, density and location:** The height and density proposed fits in with the neighbourhood and aligns with the Plan and will help further activate this part of Mount Pleasant.

- **Rental housing:** Creation of additional rental housing is necessary and needed in the city.

- **Building design:** The building looks aesthetically pleasing and has an interesting design.

Generally, comments of concern fell within the following areas:

- **Height, density, and location:** The height and density are not appropriate for this location as it will tower above neighbouring properties blocking precious mountain views and shadow nearby properties such as the local schools.

- **Neighbourhood character:** The scale of the project is out of character with the rest of the Mount Pleasant and will make the area unlivable.

- **Traffic and safety:** Increased density will create additional traffic in the area and will cause disruptions and challenges for parents dropping off their children at nearby schools as the local side streets are not built to handle large flows of traffic. The increase in traffic will cause quiet school zones to become dangerous traffic hazards and become a danger to the children.

- **Local amenities and infrastructure:** Inadequate local amenities and infrastructure to handle increased density. Current community facilities are at capacity.

Response to Public Comments

Height, density, and location – The proposed density, uses and proportion of below-market units are consistent with the intent of the Plan for the MNAA sub-area. Regarding height, the applicant has intentionally added two storeys to the tower and carefully sculpted the tower and podium to minimize shadowing on the neighbouring independent schoolyard and public plaza. The project is not impacting a protected public view.

Neighbourhood character – The scale of the proposed development is consistent with the intent of the Plan for the MNAA sub-area. To further improve the contextual fit, a condition has been included to reinforce the unique character of the residential streetscape through façade refinements.

Traffic and safety – Engineering staff have reviewed the proposed development for transportation safety issues and included rezoning conditions to deliver improvements that will address safety for all road users. This includes speed humps on 2nd Avenue, in the lane, and upgraded street lighting.

Local amenities and infrastructure – Future amenities will be delivered through the Plan's Public Benefits Strategy, which is a 10-year capital strategy for delivering public amenities and infrastructure to address the renewal and growth needs of the Plan area. Public Benefit Strategy directions include but are not limited to; affordable housing, childcare, parks and open spaces, community and civic facilities.

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 have determined that due to the cost of securing the rental housing units and 20% of the residential floor area at below-market rents, no additional CAC is expected.

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

Based on rates in effect as of September 30, 2024, and the proposed 16,524.2 sq. m (177,865 sq. ft.) of residential floor area, it is estimated that the project will pay Utilities DCLs of $2,632,140 . The value of the anticipated City-wide DCL waiver on the residential floor area is estimated to be $4,200,617. DCL rates are subject to future adjustment by Council including annual inflationary adjustments.

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 – The application is subject to the *Public Art Policy and Procedures for Rezoned Developments* and the public art contribution is estimated at $352,172. The final contribution will be calculated based on the floor area and rate in effect 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 the public benefits associated with this application is included in Appendix F.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Staff conclude that the proposed land use and form of development are consistent with the Plan. If approved, this application would contribute approximately 273 rental units with 20% of the residential floor area secured at below-market rates. The General Manager of Planning, Urban Design and Sustainability recommends that the application be referred to Public Hearing together with the draft CD-1 By-law as generally shown in Appendix A, with a recommendation that these be approved, subject to the Public Hearing, along with the conditions of approval listed in Appendix B.

* * * * *

396 East 2nd 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 6.4 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) Dwelling Uses, limited to Multiple Dwelling; and

   (b) 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, and

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

Floor Area and Density

6.1 Computation of floor area must assume that the site area is 2,581.9 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 6.4.

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

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

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

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

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

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

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

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

(ii) bicycle storage, and

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

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

(e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m^2 per dwelling unit, there will be

no exclusion for any of the residential storage area above base surface for that unit; and

(f) all storage area below base surface for non-dwelling uses.

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

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

Building Height

7.1 Building height must not exceed 65.9 m.

7.2 Despite section 7.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits common rooftop amenity space or mechanical appurtenances including elevator overrun and rooftop access structures, the height of the portion of the building with permitted common rooftop amenity space or mechanical appurtenances must not exceed 69.4 m.

Horizontal Angle of Daylight

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

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

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

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

8.5 An obstruction referred to in section 8.3 above means:

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

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

8.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines and:

(a) the minimum distance of unobstructed view is at least 3.7 m; or

(b) the habitable room is within a unit assigned to below-market rental units containing a minimum of 3 bedrooms, where the horizontal angle of daylight requirement is varied for no greater than 1 of the habitable rooms in the unit.

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396 East 2nd 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 Kasian Architecture, Interior Design and Planning, received March 6, 2024, with revisions received June 26, 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 tower and podium expression to mitigate the appearance of bulk and height and enhance neighbourhood fit;

Note to Applicant: Reinforce the unique character of the Mount Pleasant residential streetscape through refinements to façade composition, proportions, and/or fenestration patterns. This can be achieved by:

(a) Further sculpting the tower crown and/or employing additional upper floor articulation;

(b) Removing or reducing the appearance of external façade elements that add visual bulk;

(c) Employing a varied palette of fine-grain human-scaled materials, e.g., at the ground level interface; and

(d) Providing stronger definition at the residential entries.

1.2 Design development to ensure no increase in shadow impact from the tower or the podium on key northern neighbours, including the future skytrain transit plaza at Great Northern Way and St. Francis Xavier elementary school.

Landscape

1.3 Further Arborist analysis is required to determine if Trees 356 and C09 can be feasibly retained;

Note to Applicant: Trees 356 and C09 are located in close proximity to the proposed parkade, and there has been no discussion of required excavation, or demolition in

relation to these trees. If these trees are to be retained, successful tree retention would have to be demonstrated at time of Development Permit Application.

Conditions required at time of development permit:

1.4 Provision of revised and coordinated arborist and landscape documents with respect to tree retention items:

(a) Tree retentions and removals to be coordinated on landscape plans and arborist documents. Retained trees to be clearly shown on landscape documents;

(b) All tree information to be fully coordinated on landscape documents. Tree trunks should be drawn to scale, canopies should be shown as per arborist documents; and

(c) Tree protection barriers should be shown (including any required phased protection barriers) and dimensioned on landscape documents. Any areas requiring arborist supervision, and any critical arborist notes should be shown on the landscape documents;

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

1.5 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” scale minimum. The Plant list should include the common and botanical name, size and quantity of all existing and 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.

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

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.

1.7 Coordination of new proposed street trees with Engineering and the Park Board, confirming quantities, species, sizes and locations, and addition of the following note on the plans:

Final location, quantity, tree species to the satisfaction of the General Manager of Engineering. Contact Engineering Services (Streets Design Branch) at 604-871-6131 to confirm planting location. New tree must be of good standard, minimum 6 cm calliper

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. New street trees to be confirmed prior to issuance of the building permit. Call Park Board at 311 for tree species selection and planting requirements. Park Board to inspect and approve after tree planting completion. Design development to maximize the amount of replacement trees planted on grade, with access to the water table.

Housing

1.8 The proposed unit mix, including 82 studio units (30%), 90 one-bedroom units (33%), 78 two-bedroom units (28.6%) and 23 three-bedroom units (8.4%), 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, without rounding up.

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, without rounding up.

1.9 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.

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 (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).

Sustainability

1.11 All new buildings in the development will meet the requirements of the *Green Buildings Policy for Rezonings* (amended November 27, 2024) located here https://guidelines.vancouver.ca/policy-green-buildings-for-rezonings.pdf.

Note to Applicant: Refer to the most recent bulletin *Green Buildings Policy for Rezonings – Process and Requirements*.

Engineering

1.12 Submission of letter prior to Development Permit Issuance confirming acknowledgement that this application falls within the area with potential impacts due to the Broadway Subway Project construction and that you have contacted the Rapid Transit Office for more detailed information.

Note to Applicant: Please contact the City of Vancouver Rapid Transit Office (RapidTransitOffice@vancouver.ca) for more information on impacts to access and street use for your project.

1.13 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

1.14 Ensure development fronting onto existing or future rapid transit infrastructure that there is no interference to the current or potential future rapid transit infrastructure.

Note to Applicant: Development shoring plans to be approved by the Broadway Subway project owner (the Province of BC).

1.15 Provision of shoring plans for the City to review placement of anchors with respect to the Broadway Subway Project tunnel and underground infrastructure.

Note to Applicant: Follow the standard shoring guidelines developed by the City.

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

Note to Applicant: Prepare a mitigation plan to minimize street use during excavation & construction (i.e., consideration to the building design or sourcing adjacent private

property to construct from) and be aware that a minimum 60-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

1.17 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.

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

1.19 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 6cm 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".

(b) existing locations of:

(iii) 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.”

(iv) 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 Class B loading shown encroaching into City lane.

Note to Applicant: See sheet A-104

(ii) sodded lawn and CIP concrete paving shown encroaching over City lane.

Note to Applicant: See L1.0. Surface treatment in the lane is to be standard asphalt only.

(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 of Vancouver 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.

1.20 Provision of Loading spaces, per the Parking By-law Section 5 and the Design Supplement, including:

(a) Convenient, internal, stair-free loading access to/from all site uses;

(b) Resolution of Class B loading encroachment into City lane; and

(c) Clear unloading area or raised rear dock, minimum 1.8 m (5.9 ft) wide, with suitable access to facilitate goods loading /unloading.

Note to Applicant: Council approved amendments to the Parking Bylaw for loading rates and design requirements. These requirements will apply to site development permits following this rezoning.

1.21 Provision of bicycle spaces, per Parking By-law Section 6, including:

(a) Minimum 1.2 m (4 ft) wide access route(s) between the spaces and the outside.

1.22 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.

1.23 Provision of the Developer's Engineer is to submit a sewer abandonment plan that details the:

(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.

1.24 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.

1.25 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

1.26 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 DP 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 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.

(a) Provision of adequate water service to meet the domestic and fire flow demands of the project.

Note to Applicant: Based on the confirmed Fire Underwriter’s Survey Required Fire Flows and domestic flows submitted by Creus Engineering Ltd. dated September 21, 2023, no water main upgrades are required to service the development.

The main servicing the proposed development is 200 mm on Prince Edward Street or on East 2nd Avenue, or 300mm on Brunswick Street. Should the development require water service connections larger than servicing main, the

developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services. The developer is responsible for 100% of the cost of the upgrading. The maximum water service connection size is 300 mm.

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.

As per the City of Vancouver Building By-law, the principal entrance must be within 90 m of a fire hydrant. Should the final design of the building change such that this requirement is no longer satisfied, provision of a new hydrant to be installed in accordance with the aforementioned by-law will be required. The developer is responsible for 100% of the cost of this upgrade.

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

Note to Applicant: Implementation of development(s) at 396 East 2nd Avenue does not require any sewer upgrades. Development to be serviced to the existing 200 mm SAN and 200 mm STM sewers in Brunswick Street.

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

(i) minimum 2.0 m wide front boulevard;

(ii) minimum 2.4 wide broom finish saw-cut concrete sidewalk;

(iii) curb and gutter including relocation of the existing catch basin and streetlamp pole, and road reconstruction to centerline as required to accommodate the curb and gutter;

(iv) minimum 2.1 m wide raised asphalt protected bike lane;

(v) type E curb between the sidewalk and bike lane;

(vi) corner curb ramp; and

(vii) removal of the existing driveway crossing and reconstruction of the curb and gutter.

(d) Provision of street improvements with appropriate transitions, along East 2nd Avenue adjacent to the site, including:

(i) minimum 2.0 m wide front boulevard;

(ii) minimum 2.4 m wide broom finish saw-cut concrete sidewalk;

(iii) corner curb ramp; and

(iv) removal of the existing driveway crossing and reconstruction of the curb and gutter.

(e) Provision of street improvements, and appropriate transitions, along Prince Edward Street adjacent to the site, including:

(i) minimum 2.0 m wide front boulevard;

(ii) minimum 2.4 m wide broom finish saw-cut concrete sidewalk;

(iii) corner curb ramp; and

(iv) curb and gutter, including road reconstruction to centerline as required to accommodate the curb and gutter.

Note to Applicant: Road reconstruction on Prince Edward Street to meet City higher zoned standards.

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.

(f) Provision of street improvements with appropriate transitions, along the lane adjacent to the site, including:

(i) full depth pavement reconstruction;

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

(ii) new standard concrete lane crossing, with new lane returns and ramps on both sides, at the lane entrance on:

1. Prince Edward Street; and

2. Brunswick Street.

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

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

(g) Provision of speed humps in the lane south of East 2nd Avenue between Brunswick Street and Prince Edward Street.

(h) Provision of speed hump on 300 Block of East 2nd Avenue between Brunswick Street and Prince Edward Street.

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

(i) installation of a bioretention system on East 2nd Avenue, to extend the existing curb bulge to treat and retain 90% of average annual rainfall from the right-of-way ("RoW") to the greatest extent practical; and

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

(ii) installation of a rainwater tree trench on Brunswick Street (RTT) to treat and retain 90% of average annual rainfall from the RoW to the greatest extent practical.

Note to Applicant: These improvements generally include placement of street trees, structural soil or soil cell and perforated pipe sub drain connected to the sewer system under proposed bike lane and/or sidewalk to provide the minimum soil volume storage for street trees as per the Engineering Design Manual. Selected tree species to be coordinated with Urban Forestry, Streets and Transportation.

Note to Applicant: 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

(j) Provision of upgraded street lighting (roadway and sidewalk) and existing lane lighting to current City standards and IESNA recommendations.

(k) Provision of Prince Edward Street/East 2nd Avenue entire intersection street lighting upgrade to current City standards and IESNA recommendations.

(l) Provision of new or replacement duct banks that meets current City standard.

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

(m) Provision of lane lighting on standalone poles with underground ducts if BC Hydro poles with attached City lane lights are planned to be removed.

Note to Applicant: The ducts must be connected to the existing City street lighting grid.

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.

(n) Provision of street trees where space permits.

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

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

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

The preparation of this legal agreement includes the requirement for collection of a fee by Development Building and Licences for service as approved in the following Council report: https://council.vancouver.ca/20241127/documents/pspc4.pdf and will be due prior to issuance of the Development Permit.

Housing

2.2 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 Seniors Supportive or Assisted Housing, and including at least 20% of the residential floor area that is counted in the calculation of the dwelling unit area per the CD-1 By-law to be secured as below-market rental dwelling housing units, and the remaining units to be secured as market rental units, subject to the conditions set out below for such units and in accordance with the requirements set out in the *Broadway Plan*, for a term equal to the longer of 60 years and the life of the building and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require. The agreement or agreements will include but not be limited to the following terms and conditions:

(a) A no separate sales covenant;

(b) A no stratification covenant;

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

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

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

(f) Following initial occupancy, on a change in tenancy for a below-market rental housing unit, the starting rent for such new tenancy will be at least 20% below the rent for private 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 units, based on the following:

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

(ii) there should be at least one occupant per bedroom in the unit;

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

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

(ii) there should be at least one occupant per bedroom in the unit;

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

(j) Such other terms and conditions as the General Manager of Planning, Urban Design or 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.

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

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

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

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

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

(d) Provide a Final Tenant Relocation Report to the satisfaction of the General Manager of Planning, Urban Design and Sustainability prior to issuance of the Occupancy Permit. The Report must include, but may not be limited to, the names of tenants; whether each tenant has indicated interest in the Right of First Refusal to return to the new building 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).

Environmental Contamination

2.4 Submit a site disclosure statement to Environmental Services;

2.5 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

2.6 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.

Public Art

2.7 Execute an agreement 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 Head of Public Art.

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

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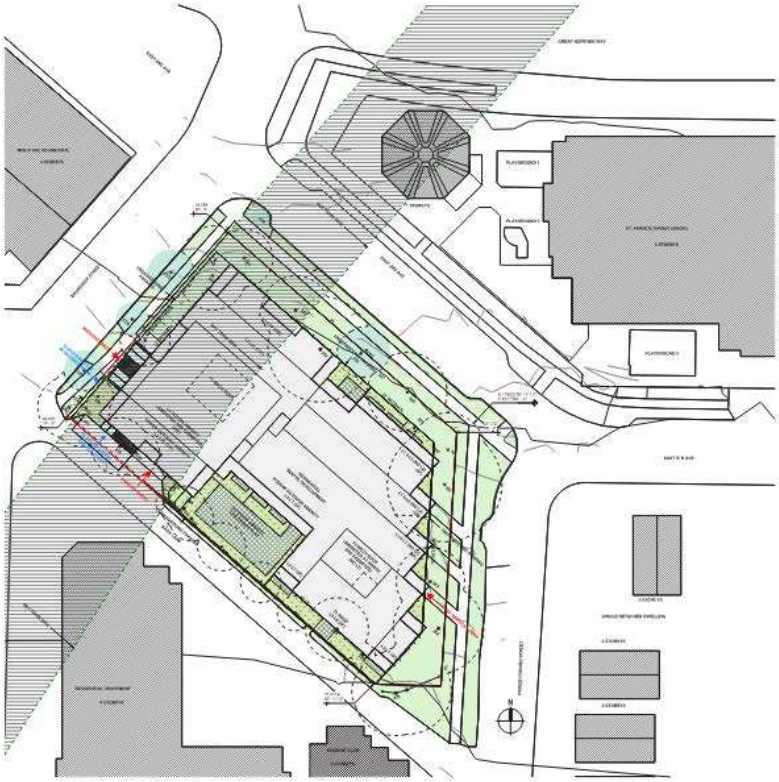
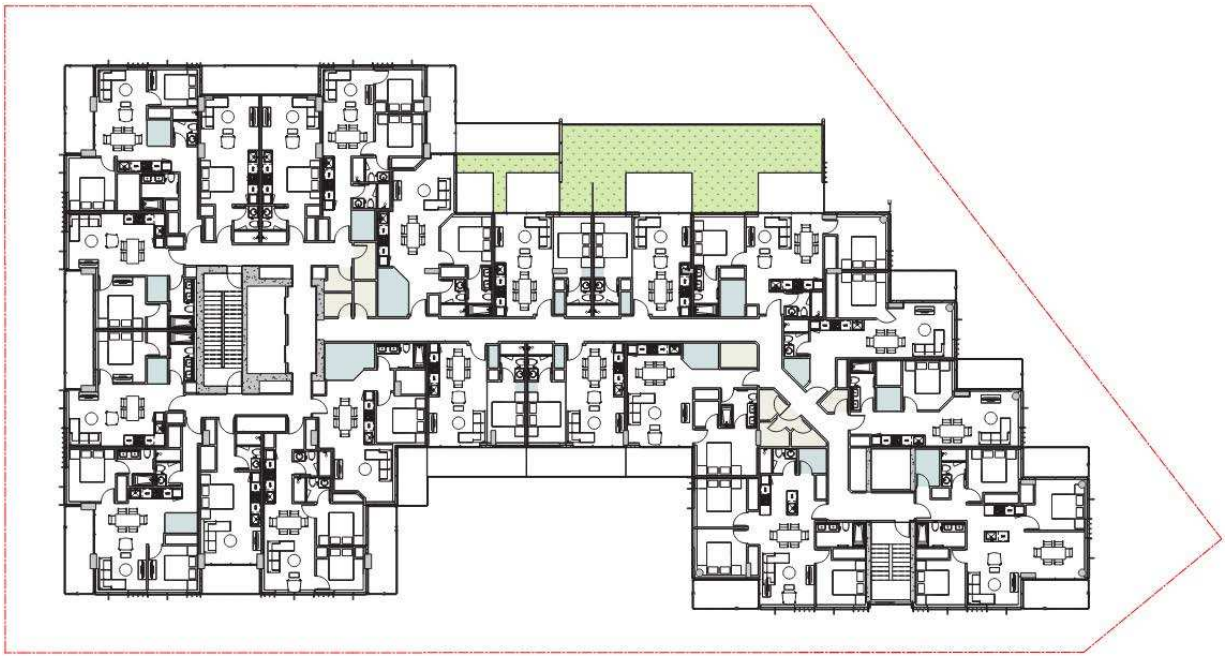
396 East 2nd Avenue
FORM OF DEVELOPMENT DRAWINGS

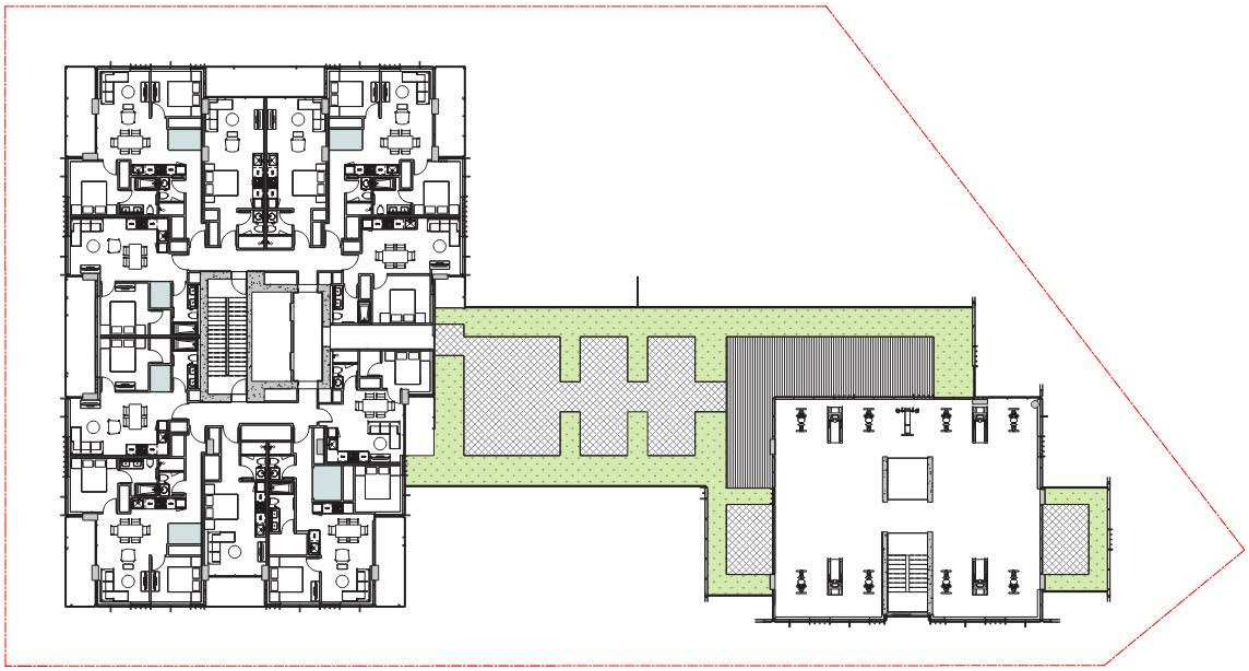
Site Plan



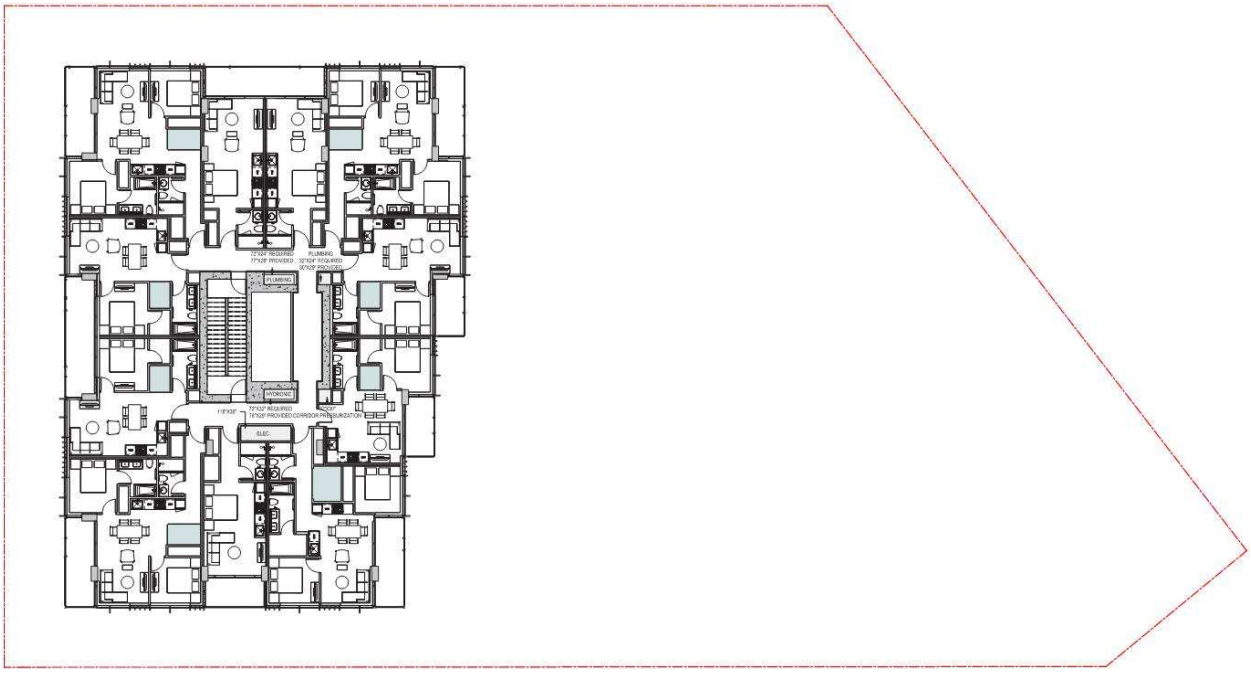
Level 6, Typical Podium Floor Plan



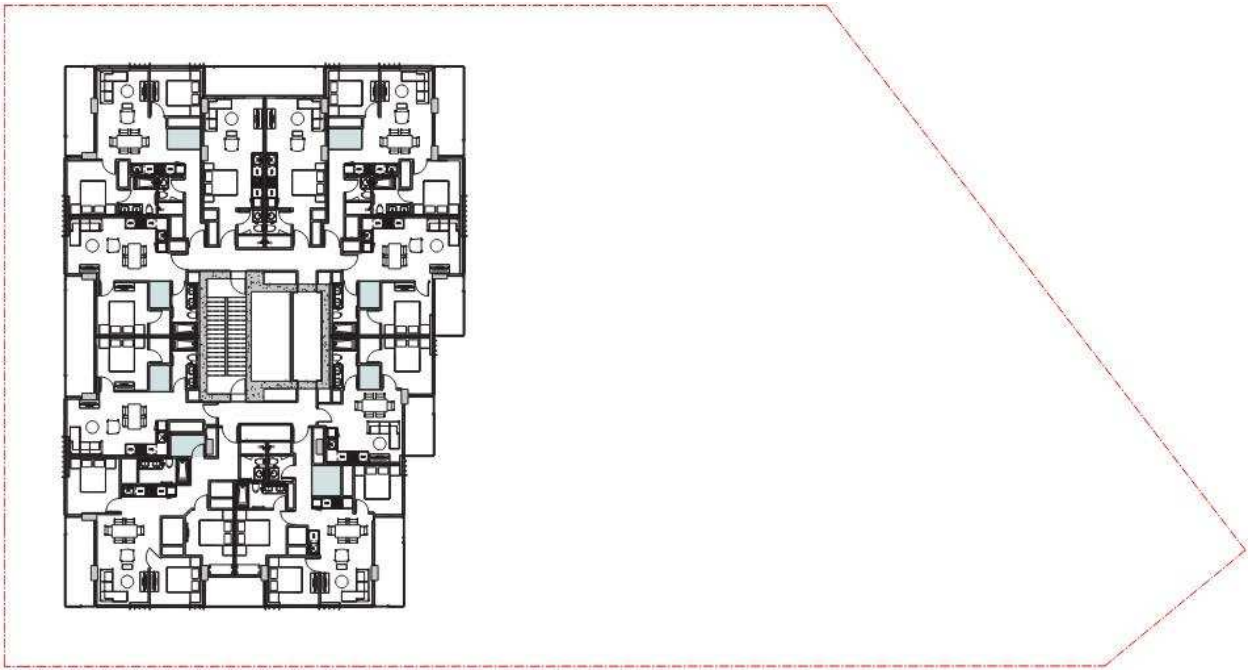
Level 8 Floor Plan (Level 6 from Lane)



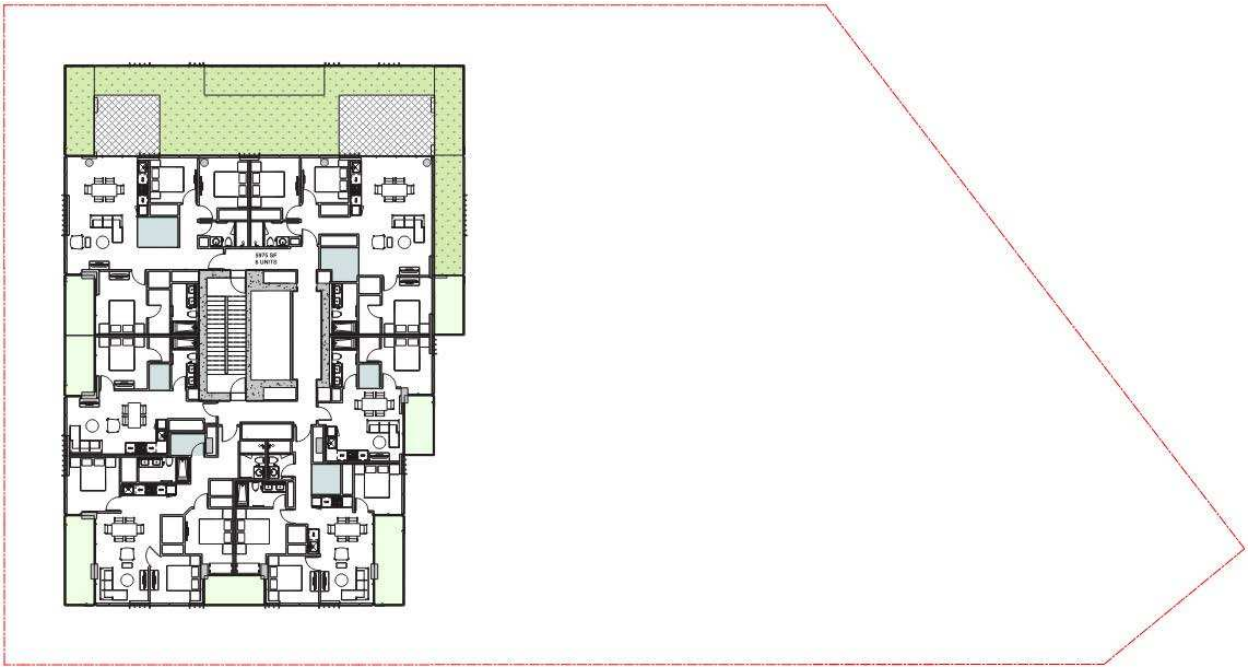
Levels 9-19, Typical Tower Floor Plan



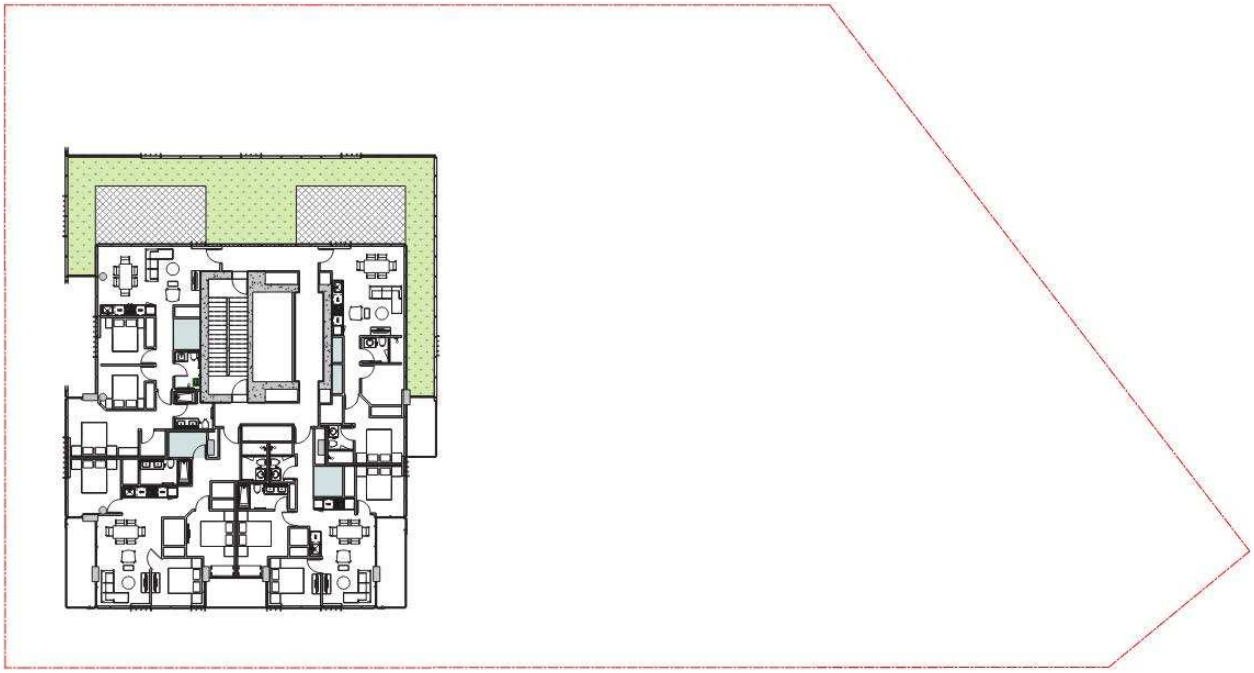
Level 20 Floor Plan



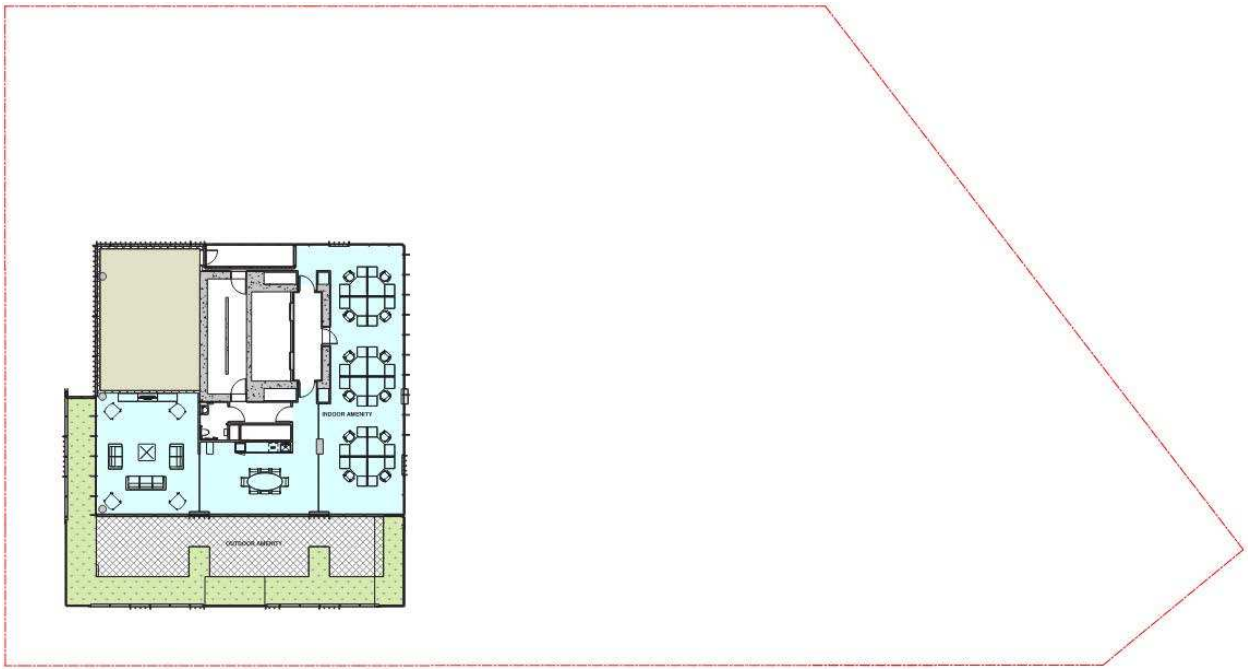
Level 21 Floor Plan



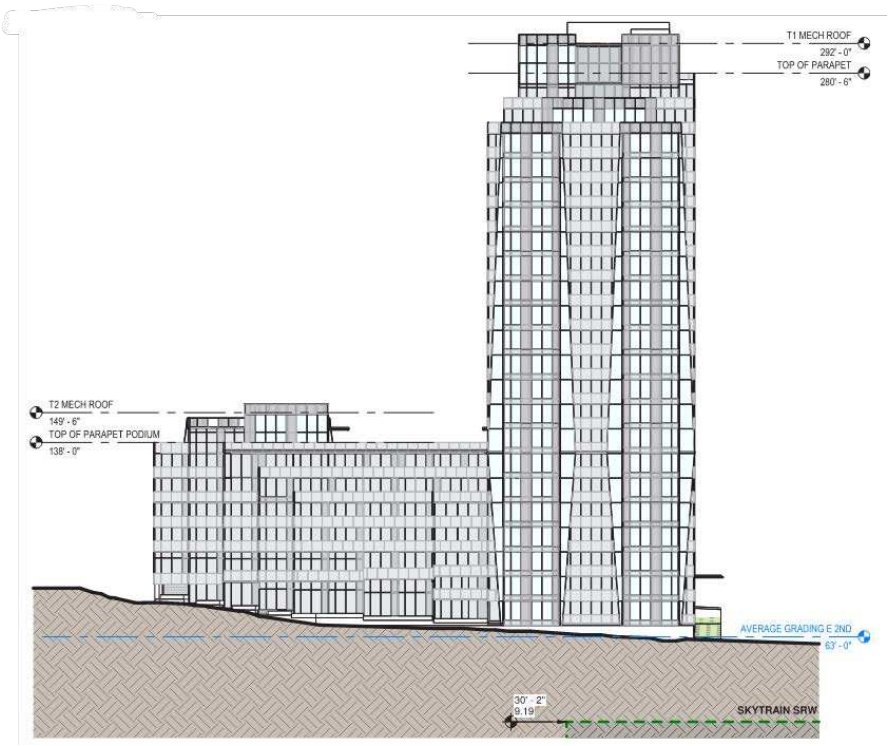
Level 22 Floor Plan



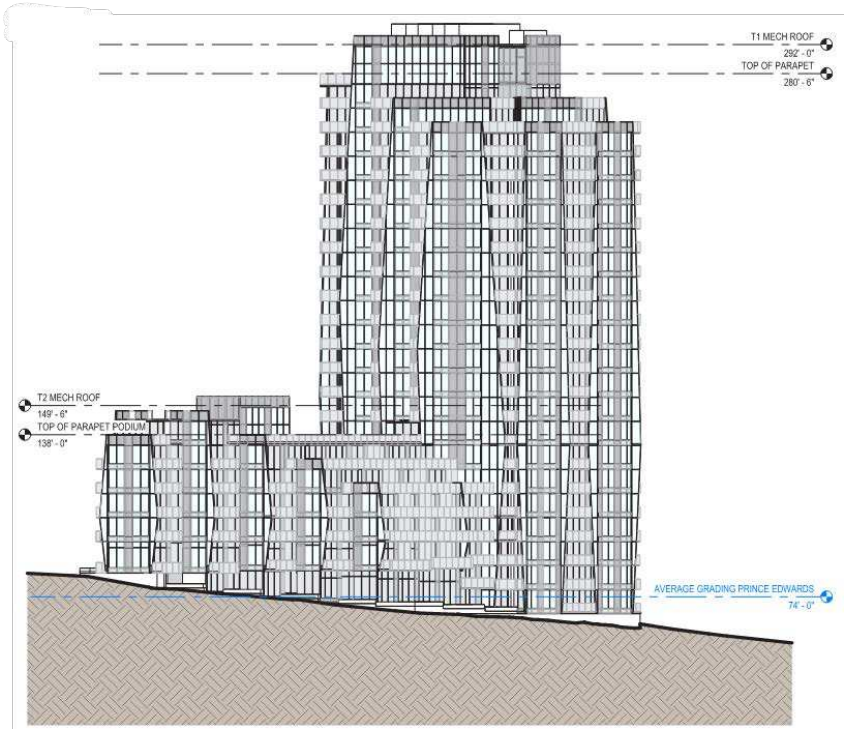
Rooftop



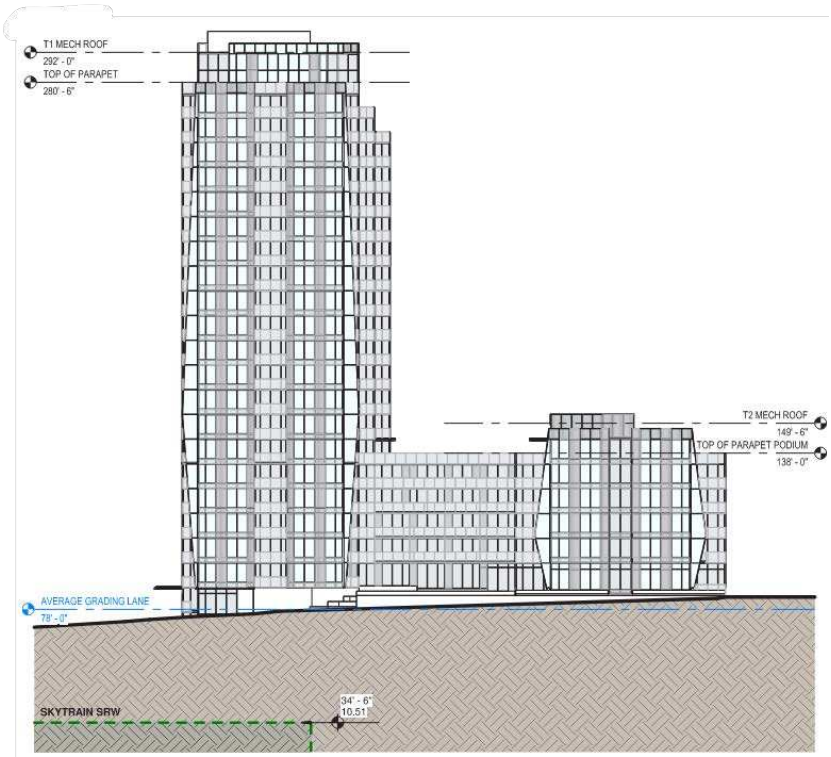
North Elevation



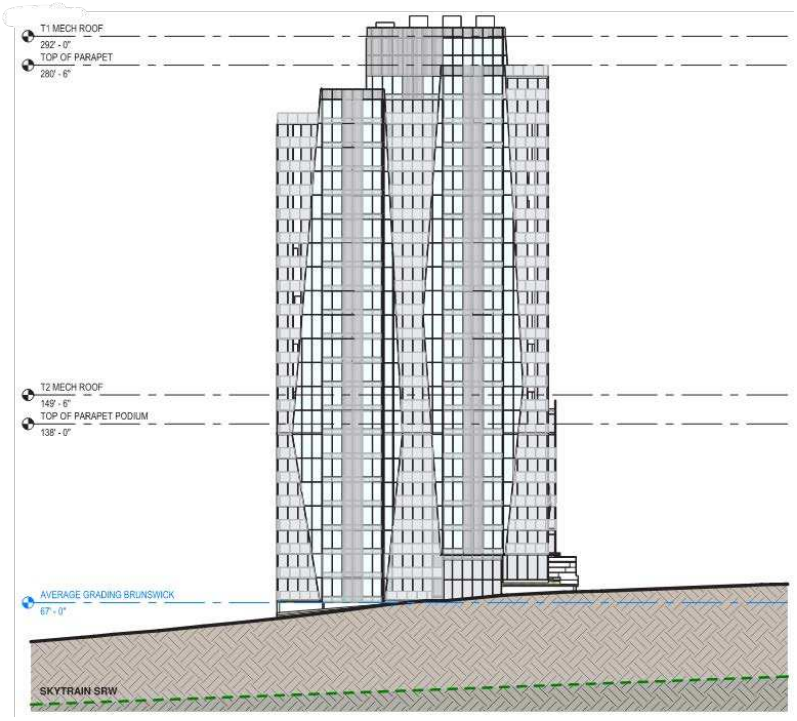
East Elevation



South Elevation



West Elevation

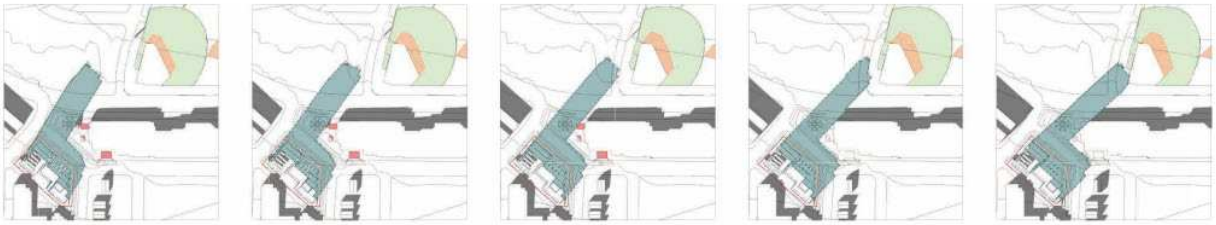


Perspective – East View

Perspective – West View

Shadow study – Skytrain Plaza

TOWER WEST (PROPOSED)



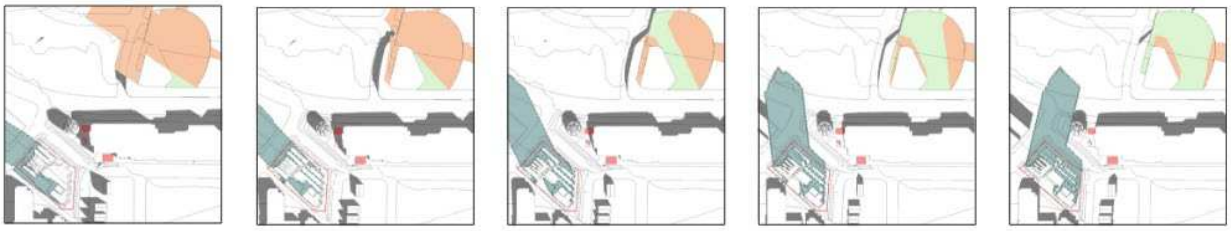
MARCH 20 - 15.00 PAVILION | MARCH 20 - 15.15 PAVILION | MARCH 20 - 15.30 PAVILION | MARCH 20 - 15.45 PAVILION | MARCH 20 - 16.00 PAVILION

LEGEND

- FUTURE PAVILION
- SHADOW OF FUTURE DEVELOPMENT AROUND SKYTRAIN STATION
- SHADOW OF PROPOSED DEVELOPMENT AT 396 E 2ND AVE
- SFX PLAYGROUND

Shadow study – St Francis Xavier School

TOWER WEST (PROPOSED)



MARCH 20 - 10.00 PAVILION | MARCH 20 - 11.00 PAVILION | MARCH 20 - 12.00 PAVILION | MARCH 20 - 13.00 PAVILION | MARCH 20 - 14.00 PAVILION

LEGEND

- FUTURE PAVILION
- SHADOW OF FUTURE DEVELOPMENT AROUND SKYTRAIN STATION
- SHADOW OF PROPOSED DEVELOPMENT AT 396 E 2ND AVE
- SFX PLAYGROUND

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396 EAST 2ND AVENUE
PUBLIC CONSULTATION SUMMARY

1. List of Engagement Events, Notification, and Responses

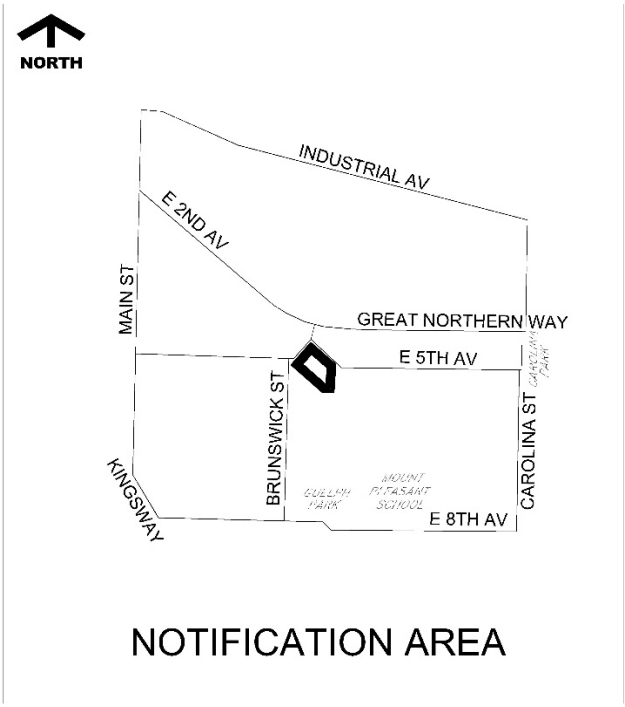
	Date	Results
Events		
Question and Answer Period (City-led)	July 17, 2024 – July 30, 2024	352 participants (aware)* • 130 informed • 42 engaged
Public Notification		
Postcard distribution – Notice of rezoning application and Question and Answer Period	July 15, 2024	3,355 notices mailed
Public Responses		
Online questions	July 17, 2024 – July 30, 2024	19 submittals
Online comment forms • Shape Your City platform	June 2024 – November 2024	55 submittals
Overall position • support • opposed • mixed	June 2024 – November 2024	55 submittals • 12 responses • 33 responses • 10 responses
Other input	June 2024 – November 2024	12 submittals
Online Engagement – Shape Your City Vancouver		
Total participants during online engagement period	June 2024 – November 2024	968 participants (aware)* • 397 informed • 63 engaged

Note: All reported numbers above are approximate.

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

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

2. Map of Notification Area



3. Analysis of All Comments Received

Below is an analysis of all public feedback by topic.

Generally, comments of support fell within the following areas:

- **Height, density and location:** The height and density proposed fits in with the neighbourhood and aligns with the *Broadway Plan* and will help further activate this part of Mount Pleasant.

- **Rental housing:** Creation of additional rental housing is necessary and needed in the city.

- **Building design:** The building looks aesthetically pleasing and has an interesting design.

Generally, comments of concern fell within the following areas:

- **Height, density, and location:** The height and density are not appropriate for this location as it will tower over neighbouring properties, blocking precious mountain views and shadow nearby properties such as the local schools.

- **Neighbourhood character:** The scale of the project is out of character with the rest of Mount Pleasant and will make the area unlivable.

- **Traffic and safety:** Increased density will create additional traffic in the area and will cause disruptions and challenges for parents dropping off their children at nearby schools. The increase in traffic will cause quiet school zones to become dangerous traffic hazards and become a danger to the children.

- **Local amenities and infrastructure:** Not enough local amenities and infrastructure to facilitate increased density. Current community facilities are at capacity.

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:

- The amount of bicycle parking proposed is adequate.

General comments of concern:

- Not enough housing being built that will help address affordability concerns.
- The rooftop amenity is a blatant cash grab.
- The building will be an eyesore.
- The podium feels choppy with so many setbacks.
- Not enough housing being built that will help address affordability concerns.
- Units are too small and will not be able to accommodate families.
- Not enough parking proposed for this proposal. Parking will become an issue for neighbouring residents who rely on street parking.
- Gentrification of a once small and quiet neighbourhood is a cause for concern.
- The scale of this project will cause discomfort and disruption for residents especially during the construction phase.
- Decrease in property value because of this proposal being built.
- Displacement of renters in the current building is a cause of concern.
- Not enough green space for zero emission building standards.
- Too much development happening all at once in a single concentrated area of the city.
- The removal of old trees is a concern.
- The construction of this building will create pollution for the surrounding area.
- Lack of policies to ensure biodiversity is retained in the area.

Neutral comments/suggestions/recommendations:

- Live workspaces should be considered especially with the Emily Carr campus nearby.
- The developer should pay for the local school upgrades.
- The proposal complies with both the *TOA Policy* and *Broadway Plan* and meets the goals set out in both policies and that alone should have sped up the process of this rezoning.
- There should be more variety in housing options.
- More below market housing should be considered.
- A more cohesive podium could help with the choppiness of the building.
- Twelve stories should be the maximum allowable height in this area.

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396 East 2nd Avenue
SUMMARY OF DRAFT 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: 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. 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 (3 years).
Notice to End Tenancies	• Landlord to provide regular project updates to tenants throughout the development approvals process. • A minimum of four months' notice to end tenancy after all permits are issued is required (e.g., all development, building, and demolition permits in place).
Moving Expenses (flat rate or arrangement of an insured moving company)	• A flat rate of $750 or $1000 will be provided to all eligible tenants depending on the type of unit.
Assistance in Finding Alternate Accommodation (3 options)	• Staff will distribute tenant needs assessment surveys. These surveys will be used in relocation efforts and to identify tenants' needs and preferences. • Applicant will 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 *Tenant Relocation and Protection Policy*, the applicant will commit to assisting in securing a permanent, suitable affordable housing option.
First Right of Refusal	• The applicant will 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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396 East 2nd Avenue
PUBLIC BENEFITS SUMMARY

Project Summary:

A 22-storey building containing 273 rental housing units, of which 20% of the residential floor area are to be below-market rental units.

Public Benefit Summary:

273 rental housing units, of which 20% of the residential floor area at below-market rates, with DCLs as well as a public art contribution.

	Current Zoning	Proposed Zoning
Zoning District	RM-4	CD-1
FSR (site area = 2,581.9 sq. m (27,791 sq. ft.))	0.75	6.4
Buildable Floor Area	1,936.5 sq. m (20,843 sq. ft.)	16,524.2 sq. m (177,865 sq. ft.)
Land Use	Residential	Residential Rental

Summary of development contributions expected under proposed zoning

City-wide DCL[1,2]	$0
Utilities DCL[1]	$2,632,140
Public Art[3]	$352,172
TOTAL	$2,984,312

Other benefits (non-quantified): 273 rental housing 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 the development permit stage. DCL By-laws are subject to future adjustment by Council including annual inflationary adjustments. A development may qualify for 12 months of in-stream rate protection. See the City's DCL Bulletin for more details.

[2]The applicant has requested a DCL waiver for the residential floor area of the proposal and will be subject to the maximum average rents by unit type for the below-market units, in accordance with the DCL By-law, as secured by an amendment to the Housing Agreement. The value of the City-wide DCL waiver on the residential floor area is estimated to be $4,200,617.

[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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396 East 2nd Avenue
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

Property Information

Address	Property Identifier (PID)	Legal Description
396 E 2nd Avenue	007-473-036	Lot 1 Block 27 District Lot 200A Plan 16479

Applicant Information

Architect	Kasian Architecture, Interior Design and Planning
Applicant	Colliers International
Registered Owners	396 East 2nd Avenue Holdings Ltd

Development Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	RM-4	CD-1
Site Area	2,581.9 sq. m (27,791 sq. ft.)	2,581.9 sq. m (27,791 sq. ft.)
Land Use	Residential	Residential Rental
Maximum FSR	0.75	6.4
Maximum Height	10.7 m (35 ft.)	65.9 m (216 ft.) to top of residential parapet 69.4 m (228 ft.) to top of amenity space
Floor Area	1,936.5 sq. m (20,843 sq. ft.)	16,524.2 sq. m (177,865 sq. ft.)
Unit Mix	n/a	

Type	Secured Rental (including 20% of Floor Area as BMR)	
	Count	Percentage
Studio	82	30%
1-bed	90	33%
2-bed	78	29%
3-bed	23	8%
Total	273	100%

Parking and Bicycle Spaces	as per Parking By-law	as per Parking By-law Confirmed at the development permit stage
Natural Assets	36 on-site by-law trees; nine City trees	35 on-site trees proposed for removal; Five City trees to be retained; Approx. 11 new on-site trees and 8 street trees proposed. To be confirmed at development permit stage

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