



COUNCIL REPORT

Report Date: March 10, 2026
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VanRIMS No.: 08-2000-20
Meeting Date: April 14, 2026

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: CD-1 (839) Text Amendment: 5590 Victoria Drive and 2005 East 40th Avenue

Recommendations

- A. THAT the application by JTA Development Consultants, on behalf of Nicolaou Properties Ltd., the registered owners of the lands located at 5590 Victoria Drive and 2005 East 40th Avenue [*PID 031-730-329; Lot A Block 16 District Lot 394 Group 1 New Westminster District Plan EPP119357*] to amend CD-1 (Comprehensive Development) District (839) By-law No. 13493 to increase the floor space ratio (FSR) from 3.49 to 3.5 and to change the secured rental housing from for-profit affordable rental housing to be leased by a non-profit corporation, with 30% of the dwelling units to be occupied by households with incomes below housing income limits (HILs) and each rented at a rate no higher than 30% of the aggregate household income, to secured market rental housing, be approved in principle;

FURTHER THAT the draft by-law to amend CD-1 (839) By-law No. 13493, prepared in accordance with Appendix A, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Studio One Architecture Inc., received July 18, 2025 and amended plans received on October 29, 2025;

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 amended 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 shall not obligate the City to enact a by-law rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

Purpose and Executive Summary

This report evaluates an application to amend CD-1 (Comprehensive Development) District (839) By-law No. 13493 for 5590 Victoria Drive and 2005 East 40th Avenue. The application proposes to change the secured rental housing from for-profit affordable rental housing to be leased by a non-profit corporation, with 30% of the dwelling units to be occupied by households with incomes below HILs and each rented at a rate no higher than 30% of the aggregate household income, to secured market rental housing. The residential floor area will consist of 100% secured market rental units. Additionally, an increase in the floor space ratio (FSR) from 3.49 to 3.5 is proposed to permit larger residential units.

In accordance with section 559.02(4) of the Vancouver Charter, Council is prohibited from holding a public hearing for a development that is consistent with the Official Development Plan and contains majority residential use.

This application is consistent with the Vancouver Official Development Plan and the *Secured Rental Policy* (SRP). The General Manager of Planning, Urban Design and Sustainability recommends approval in principle subject to conditions contained in Appendix B.

Context and Background

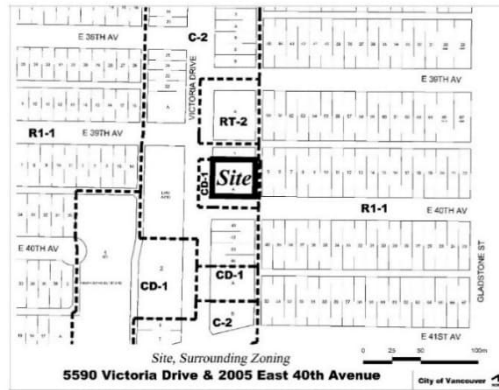
1. Site and Context

The subject site is one parcel, located on the northeast corner of Victoria Drive and East 40th Avenue (see Figure 1). The site is currently occupied by a temporary community garden. The surrounding neighbourhood consists of low- to mid-rise residential and mixed-use buildings. Victoria Drive is classified as a neighbourhood shopping area and surrounding sites consists of C-2, R1-1, and CD-1 zones. Future development in the area will generally consist of mid-rise residential and mixed-use buildings per existing zoning or the SRP.

The site was rezoned in 2022 from C-2 to CD-1 pursuant to Rezoning By-law CD-1 (839) By-law No. 13493 to permit the development of a six-storey mixed-use building with the residential portion secured as for-profit affordable rental housing to be leased by a non-profit corporation, with 30% of the dwelling units to be occupied by households with incomes below HILs and each

rented at a rate no higher than 30% of the aggregate household income. Since then, the ownership changed from a corporation that was required to lease to a non-profit organization to operate social housing in the development, as previously described, to a new owner who has submitted a new application for 100% residential market rental.

Figure 1: Site and Surrounding Zoning



2. Policy Context

- **Vancouver Official Development Plan:** The land use and height are consistent with Mixed-Use Mid-Rise Generalized Land Use (GLU) designation.
- **Secured Rental Policy (SRP):** Per the section 2.3 of the SRP, rezonings for 100% residential rental projects are considered for CD-1 sites where existing rental units do not currently exist and if the proposed height and density are appropriate to the context and location. Given the surrounding C-2 and mixed-use context, built form according to the SRP is to adhere to the C-2 district schedule at this location.
- **Housing Needs Report:** The Vancouver Charter requires that when Council amends or adopts an affordable and special needs housing zoning by-law, also known as inclusionary zoning, Council must consider the most recent Housing Needs Report, and the housing information on which it is based. The most recent Housing Needs Report amendment was received on January 1, 2025.

Discussion

1. Proposal

In July 2025, an application was submitted proposing 20% of the residential floor area for below-market rental (BMR) units. The October 2025 revisions removed the BMR component. The current submission proposes 100% market rental for the residential portion.

The application proposes a six-storey, mixed-use building with 51 residential rental units and commercial space at grade. As noted above, the residential portion is for 100% at market rents, removing the existing requirement for the residential portion to be secured as for-profit affordable rental housing to be leased by a non-profit corporation, with 30% of the dwelling units to be occupied by HILs and each rented at a rate no higher than 30% of the aggregate household income.

As per the SRP, rezonings for CD-1 sites can be considered for residential rental and would undergo a proforma analysis to determine whether an affordability requirement is sought. The analysis revealed that an affordability component was not required and staff are supportive of 100% market rental.

Additionally, the applicant has requested a modest increase in density from 3.49 to 3.5 FSR to allow for larger residential units. This would permit an increase in the floor area by 11.9 sq. m (128 sq. ft.).

Figure 2: Proposed Building Looking Northeast



2. Form of Development

For CD-1 sites, the SRP considers proposals where height and density are appropriate to the location and context. This application proposes a six-storey mixed-use building with commercial at grade. An overall FSR of 3.5 and a building height of 22.3 m (73 ft.) are proposed. Given the site's location along an arterial road and given the surrounding mixed-use context, staff evaluated the built form as per the C-2 district schedule and the associated design guidelines. Staff conclude that the built form generally aligns with both.

- **Natural Assets:** The Urban Forest Strategy and the Protection of Trees By-law will be used to evaluate the proposal. The final number of new trees will be confirmed at the development permit stage. See Appendix B for landscape and tree conditions.
- **Urban Design Panel (UDP):** A review by the UDP was not required due to the application's consistency with the expectations of the Policy and the C-2 guidelines.

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

3. Housing

This application, if approved, would add 51 market rental units to the City's inventory of rental housing, which would contribute to the targets set out in the *Housing Vancouver Strategy* (see Figure 1 and Appendix D).

- **Housing Mix:** The project proposes 35.3% two and three-bedroom units, thereby meeting the *Family Room: Housing Mix Policy for Rezoning Projects* that requires a minimum of 35% family units. A condition of approval and a provision in the CD-1 By-law has been included to ensure the project meets the minimum unit mix requirements.
- **Average Rents and Income Thresholds:** The proposed market rental units will provide housing options that are significantly more affordable than average home ownership costs, as shown in Figure 2 of Appendix D.
- **Security of Tenure:** All 51 units in the proposal would be secured as rental housing through a new Housing Agreement and a Section 219 Covenant for the longer of 60 years and the life of the building. Following the enactment of the by-law to amend CD-1 (839) By-law No. 13493, as set out in Appendix A, City staff will seek Council approval for the repeal of By-law 13414 that approved the existing Housing Agreement that was entered into and registered at the Land Title Office under registration No. CB70652 and the discharge of that Housing Agreement.
- **Tenants:** The site does not currently have residential tenants as defined under the City's *Tenant Relocation and Protection Policy* (TRPP).

If any eligible tenants are identified through the City's regulatory approvals process, the applicant will be required to provide a Tenant Relocation Plan that meets the City's TRPP.

4. Transportation and Parking

Parking, loading, bicycle and passenger loading spaces are finalized at the time of development permit per the Parking By-law.

5. Public Input

Public input primarily included mailed postcards, a site sign, a webpage, and an online comment form. Refer to the [application webpage here](#). As is typical of most minor text amendments and given that the six-storey form remains unchanged, a Question and Answer period was not held. Public input will be made available for the Council meeting and again during a future development permit process.

A total of 15 submissions were received. Support was received for the increased housing stock. Concerns were expressed about the removal of the units to be occupied by households with incomes below HILs, pressure on existing infrastructure and amenities, and added volume for street parking. Refer to Appendix C for a full summary of the public input collected and responses to public comments.

6. Public Benefits

Refer to Appendix E for full summary of public benefits.

- **Development Cost Levies (DCLs):** Based on December 2025 rates, it is expected that the project will pay a DCL of \$1,415,654.

- **Community Amenity Contributions (CAC):** This application is subject to a negotiated CAC. Real Estate Services staff have determined that based on the cost of securing the market rental housing, no CAC is anticipated.
- **Public Art:** The application is not subject to the *Public Art Policy and Procedures for Rezoned Developments* as the proposed floor area does not meet the minimum 9,290 sq. m (100,000 sq. ft.).

Financial Implications

This project is expected to provide 51 rental units and a DCL payment. See Appendix E for additional details.

Conclusion

The proposed land use, form of development and public benefits are consistent with the Vancouver Official Development Plan and the *Secured Rental Policy*. The General Manager of Planning, Urban Design and Sustainability recommends approval in principle of the by-law to amend CD-1 (839) By-law No. 13493 in Appendix A subject to conditions contained in Appendix B.

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APPENDIX A
5590 VICTORIA DRIVE AND 2005 EAST 40TH AVENUE
PROPOSED CD-1 BY-LAW AMENDMENTS

Note: A By-law to amend a CD-1 will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of By-law No. 13493.
2. Council strikes out sections 3 through 8 and substitutes the following:

“

Uses

3. 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 of 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) Office Uses;
 - (e) Retail Uses;
 - (f) Service Uses;
 - (g) Utility and Communication Uses; and
 - (h) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 4.1 The design and layout of at least 35% of the total number of dwelling units must:
 - (a) be suitable for family housing; and
 - (b) have two or more bedrooms.
- 4.2 No portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width, may be used for residential purposes except for entrances to the residential portion.
- 4.3 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

- 5.1 Computation of floor area must assume that the site area is 1,190.0 m², being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.
- 5.2 The maximum floor space ratio for all uses combined is 3.5.
- 5.3 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.
- 5.4 Computation of floor area must exclude:
 - (a) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, 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 m² 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.
- 5.5 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.

Building Height

- 6.1 Building height, measured from base surface, must not exceed 22.3 m.
- 6.2 Despite section 6.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, the Director of Planning, after considering the impact on building placement, massing, views, overlook, shadowing and noise, may permit architectural features, common rooftop amenity space or mechanical appurtenances including elevator overrun and rooftop access structures, or any other appurtenances that the Director of planning considers similar to the foregoing, to exceed the maximum building height.

Access to Natural Light

- 7.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 7.2 For the purposes of section 7.1 above, habitable room means any room except a bathroom or a kitchen.

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3. Council rennumbers section 9 and 10 as section 8 and 9, respectively.

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APPENDIX B CONDITIONS OF APPROVAL

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

PART 1: CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

Note: Consideration by Council of the proposed form of development is in reference to plans prepared by Studio One Architecture Inc., received on July 18, 2025 and amended plans received on October 29, 2025.

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 building interface with the public realm, including:

- (a) Relocating the bike stalls from the 5.5 m enhanced sidewalk to an area that would not obstruct pedestrian movement and storefront patios.

Note to Applicant: Consider articulating street façades at grade to create pedestrian amenity areas that enhance pedestrian activity and accommodate benches, planters, and bike stalls.

- (b) Explore options to relocate the pad-mounted transformer (PMT) away from the public realm interface and provide a landscape buffer.

Note to Applicant: PMT should not be visible from the public realm.

- (c) Provide effective and continuous weather protection along both street frontages.

1.2 Design development to enhance the common amenity space with:

- (a) Provision of children's play area and garden planters.

Note to Applicant: Consider providing outdoor children's play area and a larger common amenity space on rooftop, to maximize the solar access and urban agriculture.

1.3 Design development to address privacy and overlook to residential neighbours located east across the lane by providing translucent or opaque railing design for two balconies facing east at the south-east corner.

1.4 Design development to provide direct access from all commercial areas to commercial garbage and loading areas.

Note to Applicant: Provide access from northwest corner commercial retail unit (CRU) space to rear commercial loading area.

- 1.5 Design development to ensure the livability and functionality of individual residential units by:
- (a) Providing balconies of at least 6 ft. in depth for all residential units.
 - (b) Providing bedrooms that demonstrate the capacity to accommodate a single bed, a dresser, a desk or a table.
 - (c) Providing living room size of at least 12 ft. in width clear for studio apartments, where possible.

- 1.6 Design development to provide an appropriately sized residential indoor amenity space.

Note to Applicant: Refer to section 3.7 of the High Density Housing for Families with Children Guidelines. The indoor amenity area should include wheelchair accessible washrooms and kitchenettes. Children's play areas should be designed to maximize visual supervision and monitoring. Provision of at least 1.5 sq. m (16 sq. ft.) of indoor amenity area per unit is highly recommended.

- 1.7 Design development to enhance the retail at-grade along East 40th Avenue.

Note to Applicant: The provided commercial floor space and density are generally consistent with the C-2 guidelines. To be aligned with the C-2 guidelines pertaining to residential rental tenure buildings, at-grade commercial uses should wrap around the corner, for corner sites, to continue pedestrian scale and interest. This may require moving the lobby to the side along East 40th Avenue, and re-designing the ground floor service space and underground parking entrance.

- 1.8 Design development to ensure provision of high-quality and durable materials.

- 1.9 Design development to identify on the architectural and landscape drawings of any built features intended to create a bird friendly design.

Note to Applicant: Refer to the Bird Friendly Design Guidelines for examples of built features that may be applicable, and provide a design rationale for the features noted.

For more information, see the guidelines at:

<http://former.vancouver.ca/commsvcs/guidelines/B021.pdf>

Crime Prevention through Environmental Design (CPTED)

- 1.10 Provision at the time of the Development Permit application for Crime Prevention Through Environmental Design (CPTED) strategies, including:

- (a) Having particular regard for mischief in alcoves and vandalism such as graffiti;
- (b) Consideration of mail theft in the design and location of mailboxes;
- (c) Consideration of residential break and enter;
- (d) Provision of outdoor common area and path lighting; and

- (e) Provisions for visibility and security in the underground parking garage in accordance with the Parking By-law, including:
 - (i) Providing 24 hour overhead lighting at exit doors and step lights,
 - (ii) Providing white-painted walls, and
 - (iii) Ensuring a high degree of visibility at doors, lobbies, stairs, and other access routes.

Note to Applicant: Light fixture types, locations, and illumination levels should be indicated on the landscape or site plans, and should be integrated into the site and building design. Site lighting should address strategies for paths and exit lights, wayfinding, security, decoration, and mail delivery. Exterior lights should be oriented away from adjacent residential properties.

Landscape

- 1.11 Design development to improve the public realm by enhancing the pedestrian experience on Victoria Drive and East 40th Avenue.

Note to Applicant: This can be done by better programming for landscape features such as bike racks, planters, seating, etc. See also Urban Design Condition 1.1.

- 1.12 Design development to enhance overall onsite landscape design and improve the sustainability strategy, by the following:

- (a) Explore the provision of intensive or extensive green roofs on available flat roof tops, in keeping with City guidelines;

Note to Applicant: Green roof elements can greatly enhance the overall livability for end users. Consider how a balance of hardscape and softscape elements can enhance the outdoor amenity areas.

- (b) Explore the provision of urban agriculture plots, softening with planting at edges, other opportunities for common social interactions as part of the outdoor amenity space(s);

Note to Applicant: Urban agriculture plots should follow the City's Urban Agriculture Guidelines for the Private Realm and include infrastructure required, such as potting benches, hose bibs, etc. See also Urban Design Condition 1.2.

- (c) Provide opportunities for children's play to improve outdoor amenity space; and

Note to Applicant: Consider informal play elements that offer a variety of experiences for the users. See also Urban Design Condition 1.2.

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

Sustainability

- 1.13 All new buildings in the development will meet the requirements of the Green Buildings Policy for Rezoning (amended May 2, 2018), including all requirements for Near Zero Emissions Buildings (i.e. Passive House certified or alternate near zero emissions standard approved by the Director of Sustainability), or Low Emissions Green Buildings. The requirements for Low Emissions Green Buildings are summarized at <http://guidelines.vancouver.ca/G015.pdf>

Note to Applicant: The applicant will be required to demonstrate that the development is on track to achieve the above requirements at each stage of permit. For more detail on the above requirements and what must be submitted at each stage, refer to the most recent bulletin Green Buildings Policy for Rezoning – Process and Requirements (amended April 28, 2017 or later).

Housing

- 1.14 The proposed unit mix, including 18 studio units (35.3 %), 15 one-bedroom units (29.4 %), 13 two-bedroom units (25.5 %), and 5 three-bedroom units (9.8 %) is to be included in the development permit drawings.

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

- 1.15 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).

Note to Applicant:

- (i) The guidelines prescribe a set of performance criteria for common indoor and outdoor amenity spaces to sufficiently contribute towards livability. If a ratio of minimum 2.0 sq. m (21.5 sq. ft.) per dwelling unit for outdoor amenity space, and at least 1.4 sq. m (15 sq. ft.) per unit for indoor amenity space, is provided, staff will consider those performance criteria to have been met.
- (ii) Bulk storage should be designed in accordance with the Bulk Storage and In-suite Storage – Multiple Dwelling Residential Developments Bulletin.

Engineering

- 1.16 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>

- 1.17 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>

- 1.18 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.
- 1.19 Provision of a lighting simulation to support all offsite lighting upgrades to City standards and IESNA recommendations.
- 1.20 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 since the proposal is for a mixed-use building, 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 lane for extended bin storage. If this cannot be confirmed, then an on-site garbage bin staging area is to be provided adjacent the lane. Pick up operations should not require the use of public property for storage, pick up or return of bins to the storage location.

- 1.21 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 ft. long and 18 inch. 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:
- (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 guywires 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 planters, landscaping, and benches from the SRW area along Victoria Drive.

Note to Applicant: The SRW area must be free of all obstructions to pedestrian movement.
- (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.

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

Note to Applicant: The applicant will be required to demonstrate compliance with these requirements at the plumbing permit application stage. Note that the City's rainwater management requirements are currently undergoing a proposed update that is anticipated to apply to this development. See vancouver.ca/rainwater for more information.

- 1.23 Parking, loading, bicycle, and passenger loading space quantities must be provided and maintained in accordance with the requirements of the Parking By-Law.

Note to Applicant: Estimated Parking By-law deficiencies, include van accessible, Class A loading, and Class A passenger loading.

- 1.24 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) Minimum 3.4 m (11.2 ft.) width, 10.2 m (33.5 ft.) length for Class B spaces;
- (c) Minimum 1.3 m (4.3 ft.) side clearance for Class B spaces; and
- (d) Clear unloading area or raised rear dock, minimum 1.8 m (5.9 ft.) wide, with suitable access to facilitate goods loading/unloading.

- 1.25 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) Dimension of columns and column encroachments into parking spaces;
- (c) Identification of columns in the parking layouts;
- (d) 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
- (e) Design elevations at all breakpoints on both sides of ramps, drive aisles, loading and passenger loading spaces, accessible spaces, and entrances.

- 1.26 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.

- 1.27 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.

- 1.28 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>

- 1.29 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.

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 or amendment of the existing Services Agreement register at the Land Title Office under registration nos. CB70659 – CB70661, to detail the additional on-site and off-site works and services necessary or incidental to the servicing of the site (collectively called the “Services”) such that they are designed, constructed, and installed at no cost to the City and all necessary street dedications and rights of way for the services are provided. No development permit for the site will be issued until the security for the services are provided. The timing for the delivery of the Services shall be determined by the General Manager of Engineering Services in his sole discretion and holds shall be placed on such permits as deemed necessary in his sole discretion. The Services are not excess and/or extended services, and the applicant is not entitled to a Latecomer Agreement.

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

- (a) Provision of adequate water service to meet the 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 Vector Engineering dated October 17, 2025, no water main upgrades are required to service the development.

The main servicing the proposed development is 150 mm along Victoria Drive, 300 mm along Victoria Drive or 200 mm along East 40th Avenue. Should the development require water service connections larger than the existing main, the developer shall upsize the existing main to the satisfaction of the General Manager of Engineering Services.

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 speed humps in the lane east of Victoria Drive between East 39th Avenue and East 40th Avenue.

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 secured market rental housing units, excluding Seniors Supportive or Independent Living Housing, pursuant to the City's Secured Rental Policy, for a term equal to the longer of 60 years and the life of the building, subject to a no-separate-sales covenant and a no-stratification covenant, a provision that none of such units will be rented for less than 90 consecutive days at a time, and such other terms and conditions as the General Manager of Planning, Urban Design and Sustainability and the Director of Legal Services may require.

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

Environmental Contamination

- 2.3 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 Parks, have been provided to the City.

Agreements

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

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

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

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

* * * * *

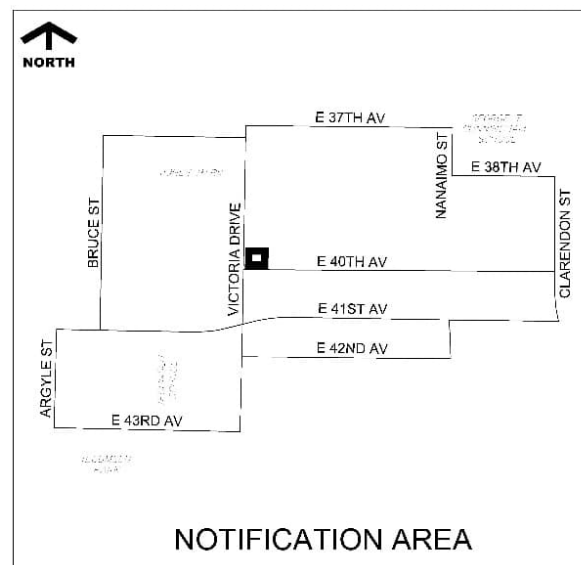
APPENDIX C ADDITIONAL INFORMATION

Public Consultation Summary

Approximately 257 page views were recorded. A total of 13 comments were received with three comments in support for the increased housing stock, and nine expressing concerns about the removal of the units to be occupied by households with incomes below Housing Income Limits, pressure on existing infrastructure and amenities, and added volume for street parking.

Event	Date(s)	Details
Webpage published	September 15, 2025	https://www.shapeyourcity.ca/5590-victoria-dr-and-2005-e-40-ave-ta
Postcard mailed	November 21, 2025	1,457 notices mailed (approximate)
Site sign installed	November 19, 2025	n/a
Online comment form	September 2025 to January 2026	13 submissions • 3 responses support • 9 responses opposed • 1 responses mixed
Other input (phone calls, direct emails, etc.)	September 2025 to January 2026	2 submissions
Total webpage views	September 15, 2025 to January 14, 2026	257 page views
Total Submissions (Comments submitted + questions asked + other input methods)		15 submissions

Map of Notification Area



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

Areas of support:

- General support.
- Support for increased housing stock.

Areas of concern:

- **Housing:** The City already lacks affordable housing so removal of the dwelling units to be occupied by households with incomes below housing income limits (HILs) further exacerbates the issue. Market rental rates will likely be unaffordable. The application should provide below market rental (BMR) units so that housing is accessible to people of all income ranges.
- **Infrastructure:** The increase in residents will put pressure on the existing transportation infrastructure and services such as roads, sidewalks and bus services.
- **Neighbourhood impact:** The project will disrupt and negatively impact the community, leading to overcrowding due to increased housing density. Public spaces, including streets, parks, and community centres, will become crowded. Construction will cause noise and dust and more residents will reduce available street parking.

Response to Public Comments

- Regarding concerns about affordability, it is acknowledged that the existing CD-1 zone contains 30% of the dwelling units to be occupied by households with incomes below HILs and requires units to be rented at a rate no higher than 30% of the aggregate household income. The application proposes 100% market rental for the residential portion and per the SRP, rezonings for CD-1 sites can be considered for residential rental and would undergo a proforma analysis to determine whether an affordability requirement is sought. The analysis revealed that an affordability component was not required, and staff are supportive of the proposed 100% market rental.
- There are four parks and a community centre within one kilometre of the site. As well, while the project does not propose public amenities, it is subject to pay Development Cost Levies which help fund essential infrastructure upgrades, parks, and childcare facilities for the City.
- The Noise Control By-law regulates construction-related noise during certain hours and days of the week. Outside of the hours, construction noise is only allowed with a noise by-law exception permit. As well, the site is well situated to encourage reduced vehicle trip and parking demand. It is near the frequent transit network and is served by bus routes along Victoria Drive and 41st Avenue. It also within two blocks of the 37th Avenue and Gladstone Street Bikeways.

APPENDIX D HOUSING

Figure 1: Progress Towards 10 Year Housing Vancouver Targets for Purpose-Built Market and Developer-Owned Below-Market Rental Housing as of December 31, 2025

Housing Type	CATEGORY	10-YEAR TARGETS ^{1, 2}	Units Approved Towards Targets ³
Purpose-Built Rental Housing Units³	Market Rental	30,000	13,488 (45%)
	Developer-Owned Below-Market Rental	5,500	2,174 (40%)
	Total	35,500	15,662 (44%)

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.

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

Figure 2: Market Rents in Newer Eastside Buildings, Costs of Ownership and Household Income Served

		Newer Rental Buildings Eastside		Monthly Costs of Ownership for Median-Priced Apartment – Eastside (with 20% down payment)		
Unit	Proposed Average Unit Size	Average Market Rent ¹	Average Household Income Served ³	Monthly Costs of Ownership ²	Average Household Income Served ³	Down-Payment at 20%
Studio	393 sq. ft.	\$1,879	\$75,160	\$2,200	\$88,000	\$79,550
1-bed	486 sq. ft.	\$2,194	\$87,760	\$2,885	\$115,400	\$108,000
2-bed	734 sq. ft.	\$2,880	\$115,200	\$3,809	\$152,360	\$141,300
3-bed	856 sq. ft.	\$3,815	\$152,600	\$5,565	\$222,600	\$213,000

¹ Data from the October 2024 CMHC Rental Market Survey for apartments in purpose-built rental buildings completed in the year 2015 or later on the Eastside of Vancouver.

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

³ Incomes are estimated based on rents or monthly ownership costs at 30% of income.

**APPENDIX E
PUBLIC BENEFITS**

City-wide DCL ¹	\$895,008
Utilities DCL ¹	\$520,646
TOTAL	\$1,415,654

Other Benefits (non-quantifiable components): 51 rental housing units secured for the greater of 60 years and the life of the building.

¹ Based on rates in effect as of December 10, 2025 and the proposed 3,568.4 sq. m (38,410 sq. ft.) of residential floor area and 596.6 sq. m (6,422 sq. ft.) of commercial floor area.

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.

* * * * *

APPENDIX F REZONING APPLICATION SUMMARY

Property

Address	Parcel Identifier (PID)	Legal Description
5590 Victoria Drive and 2005 East 40th Avenue	031-730-329	Lot A Block 16 District Lot 394 Group 1 New Westminster District Plan EPP119357

Applicant Team

Applicant	JTA Development Consultants
Developer/Owner	Nicolaou Properties Ltd.
Architect	Studio One Architecture Inc.

Statistics

	Permitted Under Existing Zoning	Proposed
Zoning	CD-1 (839)	Amend CD-1 (839)
Site Area	1,190.0 sq. m (12,809 sq. ft.)	1,190.0 sq. m (12,809 sq. ft.)
Land Use	Residential, Commercial	Residential, Commercial
Maximum FSR	3.49	3.5 FSR
Maximum Height	22.3 m (73 ft.)	22.3 m (73 ft.)
Floor Area	4,153.1 sq. m (44,704 sq. ft.)	4,165 sq. m (44,832 sq. ft.)
Unit Mix	At least 35% of the total number of dwelling units must be suitable for family housing and include two or more bedrooms	18 studio units 15 1-bedroom 13 2-bedroom 5 3-bedroom 51 Total
Natural Assets	Removal: 0 trees Retention: 1 City tree New trees: 7 on-site trees plus new off-site trees confirmed at the development permit stage	The final number of trees are confirmed at the development permit stage
