

Refers Item #1
Public Hearing of April 1, 2014

MEMORANDUM

April 1, 2014

TO: Mayor Robertson and Councillors

CC: Penny Ballem, City Manager
Mukhtar Latif, Chief Housing Officer
Sadhu Johnston, Deputy City Manager
Janice MacKenzie, City Clerk
Kevin Quinlan, Director, Policy and Communications, Mayor's Office
Lynda Graves, Manager, Administration Services, City Manager's Office
Mike Magee, Chief of Staff, Mayor's Office
Rena Kendall-Craden, Director, Communications
Francie Connell, Director of Legal Services
Yvonne Liljefors, Assistant Director of Legal Services
Catherine Kinahan, Solicitor, Legal Services
Brian Jackson, General Manager, Planning and Development Services
Brenda Proskan, General Manager, Community Services
Abi Bond, Assistant Director of Housing Policy
Tom Wanklin, Senior Planner, DTES Neighbourhoods Group

FROM: Kevin McNaney, Assistant Director, Planning and Development Services

SUBJECT: Downtown Eastside Local Area Plan - By-law Amendments

The purpose of this memorandum is to provide Council with administrative clarification regarding three of the draft by-laws as posted and where they differ from the original appendices attached to the policy report (the "Policy Report") dated February 24, 2014, entitled "Downtown Eastside Local Area Plan".

On March 15, 2014, Council by resolution directed the General Manager of Planning and Development Services to make application to amend certain by-laws and a public hearing has been scheduled to consider these by-law amendments. Amended appendices (the "Revised Appendices") to the Policy Report were distributed to Council and informed their resolutions. However, the resolutions passed by Council inadvertently referred to the original appendices in the Policy Report rather than these Revised Appendices.

To clarify the various amendments, the three original appendices to the Policy Report have been attached to this memo, with the summary of amendments shown in highlighted text. The original amendments from the Policy Report are shown in black line text, the amendments shown in the Revised Appendices considered by Council on March 15, 2014 are shown in

yellow highlight, and refinements made by staff prior to posting the by-laws are shown in blue highlight. The by-laws as posted are correct and no further action is required by Council on this matter.

Staff will be available to provide further information on these amendments at the Public Hearing.

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KM/TKY

Appendix D

(Attached to Policy Report entitled "Downtown Eastside Local Area Plan" dated February 24, 2014.)

Downtown Official Development Plan Text Amendments (for Victory Square)

SUMMARY OF AMENDMENTS:

February 24, 2014 Original Appendix to the Policy Report

- Deleted provisions have text struck out and newly inserted provisions are in bold text

March 15, 2014 Council Resolution to Refer to Public Hearing

- Additional changes shown with yellow highlight

March 21, 2014 Amending By-laws as Posted

- Refinements made prior to posting the by-laws shown with blue highlight
-

Strike out "low cost housing" wherever it appears and substitute with "social housing" where it does not result in duplication of "social housing" and strike out the words "low cost or" wherever they appear.

Definitions

Strike, add and replace the following definitions:

~~"Low cost housing" shall mean sleeping, housekeeping or dwelling units designed for persons receiving War Veterans Allowance, Canadian Pension Commission Disability Pension, Guaranteed Income Supplement, Spouses Allowance or income from Guaranteed Annual Income for Need.~~

"Secured market rental housing, means a development or part of a development, used only as market rental housing, which has a covenant or housing agreement registered against title restricting its use to market rental housing, for the longer of 60 years or the life of the building, or for such other term as may be agreed upon by the city and the owner;"

~~"Social housing" shall mean residential units, purchased by a government or non-profit housing group using available government funding, for housing senior citizens, handicapped persons or individuals or families of low income.~~

~~"Social housing" means social housing as defined in Vancouver Development Cost Levy Bylaw 9755 and in Area Specific Development Cost Levy Bylaw 9418, except that the words", for the purpose of section 523D(10)(d) of the Vancouver Charter, "shall not form part of this definition."~~

"Social Housing" means rental housing:

- (a) in which at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication;
- (b) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (c) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require;

except that in the HA-1 and HA-1A districts, the HA-2 district, the area of the FC-1 District located north of National Avenue; in the area of the M-1, I-2, RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive; the Downtown-Eastside Oppenheimer District and the area of the Downtown District denoted as C2 on Map 1 of the Downtown Official Development Plan, ~~RM and RT zones in Strathcona, M1 zone in Hastings, I2 zone in Kiwassa;~~ social housing means rental housing:

- (d) in which at least one third of the dwelling units are occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and are rented at rates no higher than the shelter component of Income Assistance;
- (e) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (f) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require.

Section 1 - Land Use

Renumber paragraphs 2A, 2B and 3 as paragraphs 3,4, and 6. After new paragraph 4 add:

- "5. In the area denoted by the letter 'C2' on Map 1, the following uses may be permitted:

(a) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.”

Renumber each subsequent paragraph in numerical order.

Section 3 - Density

4. Despite subsections 1 and 3, the density of residential use must not exceed a floor space ratio of 3.00, except:

(a) in the areas denoted by the letters ‘G’, ‘K1’, ‘K2’, ‘K3’, ‘L1’, ‘L2’, ‘M’, ‘N’, and ‘O’ on Map 1; and

~~(b) in the area denoted by the letter ‘C2’ on Map 1, if social housing or low cost housing comprises more than two-thirds of the floor space ratio on a site, and development of the site meets retail use continuity requirements, the density of all uses must not exceed a floor space ratio of 5.00.~~

(b) in the area denoted by the letter ‘C2’ on Map 1, if social housing comprises more than two-thirds of the floor space ratio or if secured market rental housing comprises all of the residential units, on a site with a maximum frontage of 23m, the Director of Planning or the Development Permit Board may permit an increase in density to a maximum floor space ratio of 6.00 if the Director of Planning or the Development Permit Board first considers:

- (i) the intent of this official development plan,
- (ii) the height, bulk and location of the building and its effect on the site, surrounding buildings and streets, existing views and general amenity of the area,
- (iii) the liveability of the proposed residential units,
- (iv) the retail continuity requirements in Section 2, and
- (v) all applicable Council policies and guidelines.”

Section 4 - Height of Buildings

Table 1

Area	Basic maximum height	Increased maximum height
1	21.3-22.9m	<p>If at least 2/3 of the floor space ratio on the site is for low cost or social housing, and after considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 30.5 m.</p> <p>If social housing comprises more than two-thirds of the floor space ratio on a site, or if secured market rental housing comprises all of the</p>

		residential units, the Development Permit Board or the Director of Planning , after considering all applicable Council policies and guidelines, may increase the basic maximum height to a maximum of 32.0 m.
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Appendix E

(Attached to Policy Report entitled "Downtown Eastside Local Area Plan" dated February 24, 2014.)

Downtown Eastside Oppenheimer Official Development Plan - Proposed Text Amendments

SUMMARY OF AMENDMENTS:

February 24, 2014 Original Appendix to the Policy Report

- Deleted provisions have text ~~struck-out~~ and newly inserted provisions are in **bold text**

March 15, 2014 Council Resolution to Refer to Public Hearing

- Additional changes shown with **yellow highlight**

March 21, 2014 Amending By-laws as Posted

- Refinements made prior to posting the by-laws shown with **blue highlight**
-

Preamble

~~On February 3, 1981, Vancouver City Council adopted the Downtown-Eastside/Oppenheimer Policy Plan, which describes the area and contains goals and policies addressing its social, physical, historical and economic issues.~~

On (date of adoption), 2014, Vancouver City Council adopted the Downtown-Eastside Local Area Plan, which contains additional goals and policies addressing the social, physical, historical and economic issues pertaining to this area and neighbouring areas.

Section 1.1 Goals

The following goals, established to form the basis for the planning and development of the Downtown-Eastside/Oppenheimer District, have been adopted by City Council as part of the Downtown-Eastside/Oppenheimer Policy Plan (1982) and as part of the Downtown Eastside Local Area Plan (*insert year of adoption*)

Commercial Uses

~~4) Improve the viability of commercial activity by encouraging the upgrading of existing commercial uses and the development of new commercial uses which serve both local residents and the large and growing working population in the area.~~

4) Improve the viability of commercial activity by encouraging the upgrading of existing commercial uses and the development of new local commercial uses which provide a wide range of goods and services to serve the diverse residents and workers in the Downtown Eastside Oppenheimer District.

At the end of 1.1 Goals, add:

Aboriginal Community

21) Recognize the historical, cultural and contemporary connection of the Aboriginal people to the Downtown Eastside area and reinforce this through place-making opportunities and other initiatives.

Section 2 - Definitions

Strike, add and replace the following definitions:

~~Social Housing means residential units, purchased by a government or non-profit housing group using available government funding, for housing senior citizens, handicapped persons or individuals or families of low income.~~

~~“Social housing” means social housing as defined in Vancouver Development Cost Levy Bylaw 9755 and in Area Specific Development Cost Levy Bylaw 9418, except that the words “, for the purpose of section 523D(10)(d) of the Vancouver Charter, shall not form part of this definition.”~~

Social Housing” means rental housing:

- (a) in which at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current “Housing Income Limits” table published by the British Columbia Housing Management Commission, or equivalent publication;**
- (b) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and**
- (c) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require;**

except that in the HA-1 and HA-1A districts, the HA-2 district, the area of the FC-1 District located north of National Avenue; in the area of the M-1, I-2, RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive; the Downtown-Eastside Oppenheimer District and the area of the Downtown District denoted as C2 on Map 1 of the Downtown Official Development Plan, RM and RT zones in Strathcona, M1 zone in Hastings, I2 zone in Kiwassa; social housing means rental housing:

- (e) in which at least one third of the dwelling units are occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security**

- pension and Guaranteed Income Supplement and are rented at rates no higher than the shelter component of Income Assistance;
- (f) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (g) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require.

Renumber and add in the appropriate alphabetical and numerical order:

“Secured market rental housing, means a development or part of a development, used only as market rental housing, which has a covenant or housing agreement registered against title restricting its use to market rental housing, for the longer of 60 years or the life of the building, or for such other term as may be agreed upon by the city and the owner;”

“Micro dwelling”, means a self contained residential unit which is no less than 23.2 m² and no more than 29.7 m²

Section 4 Sub-area 1 Main/Hastings

4.2 Uses

Add in appropriate alphabetical order and rename paragraphs:

Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.

4.5 Density

~~4.5.1 The maximum density for any development shall be a floor space ratio of 1.0, except that the Development Permit Board may permit an increase in the maximum density provided that:~~

- ~~(a) any floor area, above a floor space ratio of 1.0, created after April 20, 1982:~~
- ~~(i) for non-residential use;~~
 - ~~(ii) for residential floor area and resulting in more than 4 additional units;~~
 - ~~(iii) from the conversion of sleeping, housekeeping or hotel units to dwelling units; or~~
 - ~~(iv) for live work use;~~
- ~~shall only be permitted if at least 20 percent of the floor area permitted above a floor space ratio of 1.0, or at least 20 percent of the additional residential units, is developed for social housing;~~
- ~~(b) the residential and live work floor area combined shall not, in any case, exceed a floor space ratio of 3.0;~~

~~(c) the non residential floor area may be permitted to exceed a floor space ratio of 3.0 only if any increase above 3.0 is matched by at least an equal amount of residential or live work floor area, but the total floor space ratio permitted under this clause shall not, in any case, exceed 5.0.~~

4.5.1 Subject to the provisions of subsection 4.5.2, the maximum density for any development shall be a floor space ratio of 1.0, except that **the Director of Planning or the Development Permit Board** may permit an increase in the maximum density:

- (a) to a maximum of 5.0 floor space ratio, if at least 60% of the residential units comprising not less than 40% of the gross floor area above 1.0 floor space ratio are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above 1.0 floor space ratio are developed as secured market rental housing; or
- (b) to a maximum of 7.0 floor space ratio on corner sites if:
 - (i) at least 60% of the residential units comprising not less than 40% of the gross floor area above 1.0 floor space ratio are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above 1.0 floor space ratio are developed as secured market rental,
 - (ii) the corner site has a frontage no greater than 30.5m, and
 - (iii) **the Director of Planning or the Development Permit Board** first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

4.5.2 Despite the provisions of subsection 4.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum density to 1.5 floor space ratio for retail, service, manufacturing, or wholesale uses and accessory uses, as defined in the Zoning & Development Bylaw, if:

- (a) the uses are existing as of [date of enactment];
- (b) the uses are located on a site existing as of [date of enactment];
- (c) and there is no conversion of existing residential floor area.

~~4.5.2~~ 4.5.3 The following shall be excluded in the computation of ~~floor space ratio~~ floor area:

~~4.5.3~~ 4.5.4 The following may be excluded in the computation of ~~floor space ratio~~ floor area:

4.5.4 4.5.5 ~~Floor space pursuant to section 2.1~~ Floor area excluded pursuant to sections 4.5.3 and 4.5.4 shall not be put to any use other than that which justified the exclusion.

~~4.5.5 Live work floor space is eligible for floor space exclusions pursuant to sections 4.5.2, 4.5.3, and 4.5.4.~~

4.6 Physical Form

4.6.1 Height

The minimum height of a building within the area denoted by the letter "A" on Map 3 shall be 11 meters (approximately 36 feet; approximately 3 storeys). The maximum height of a building within the total Main/Hastings sub-area shall be 30 meters (approximately 98 feet; approximately eight storeys).

~~The Development Permit Board may permit an increase or decrease in the maximum or minimum height of a building with respect to any development provided it first considers:~~

- ~~(a) the height, bulk and location of the building and its effect on the site, surrounding buildings and streets, and existing views;~~
- ~~(b) the effects of overall design on the general amenity of the area; and~~
- ~~(c) the intent of this Plan, all applicable policies and guidelines adopted by Council, and the submission of any advisory group.~~

The **Director of Planning or the** Development Permit Board may permit an increase in the maximum height of a building to a maximum of 36.6 m for a development on a corner site in Sub-area 1 Main/Hastings, if:

- (a) the corner site has a frontage no greater than 30.5m; and
- (b) the **Director of Planning or the** Development Permit Board first considers:
 - (i) the intent of this Official Development By-law and all applicable Council policies and guidelines, and
 - (ii) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas.

Section 5 Sub-area 2 Cordova Street

5.2 Uses

Add in appropriate alphabetical order and rename paragraphs:

Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.

5.5 Density

~~5.5.1 The maximum density for any development shall be a floor space ratio of 1.0, except that the Development Permit Board may permit an increase in the maximum density provided that:~~

~~(a) any floor area, above a floor space ratio of 1.0, created after April 20, 1982:~~

~~(i) for non-residential use;~~

~~(ii) for residential floor area and resulting in more than 4 additional units;~~

~~(ii) from the conversion of sleeping, housekeeping or hotel units to dwelling units; or~~

~~(iii) for live-work use;~~

~~shall only be permitted if at least 20 percent of the floor area permitted above a floor space ratio of 1.0, or at least 20 percent of the additional residential units, is developed for social housing;~~

~~(c) the floor area shall not, in any case, exceed a floor space ratio of 2.5.~~

5.5.1 Subject to the provisions of subsection 5.5.2, the maximum density for any development shall be a floor space ratio of 1.0, except that **the Director of Planning or the Development Permit Board** may permit an increase in the maximum density:

(a) to a maximum floor space ratio of 2.5, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing;
or

(b) to a maximum floor space ratio of 4.5 if:

(i) the site has a frontage no greater than 45.7m,

(ii) all of the residential units are social housing, and

(iii) **the Director of Planning or the Development Permit Board** first considers:

- (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
- (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

5.5.2 Despite the provisions of subsection 5.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses and accessory uses, if:

- (a) the uses are existing as of [*date of enactment*];
- (b) the uses are located on a site existing as of [*date of enactment*]; and
- (c) there is no conversion of existing residential floor area.

~~5.5.2~~ 5.5.3 The following shall be excluded in the computation of ~~floor space ratio~~ floor area:

~~(e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000.~~

(e) the area of exterior walls that exceeds 152 mm to a maximum exclusion of 152 mm, as recommended by a Building Envelope Professional to control building envelope leaks, and:

- (i) up to 51 mm in exterior walls that fall under Part 9 of the Building By-law, which provide RSI 2.88 (R-16) thermal insulation,
- (ii) up to 333 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) thermal insulation,
- (iii) up to 533 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) of thermal insulation as verified by a Registered Professional, and
- (iv) up to 127 mm in exterior walls that fall under Part 3 of the Building By-law, which provide RSI 2.65 (R-15) thermal insulation in the overall wall surface as verified by a Registered Professional,

except that this section is not to apply to exterior walls in existence before May 31, 2011.

~~5.5.3~~ 5.5.4 The following may be excluded in the computation of ~~floor space ratio~~ floor area:

5.5.5 Floor area excluded pursuant to sections 5.5.3 and 5.5.4 shall not be put to any use other than that which justified the exclusion.

5.6 Physical Form

5.6.1 Height

The maximum height shall be 15 meters (approximately 49 feet; approximately four storeys).

~~The Development Permit Board may permit an increase in the maximum height of a building with respect to any development provided it first considers:~~

- ~~(a) the height, bulk and location of the building and its effect on the site, surrounding buildings and street, and existing views;~~
- ~~(b) the effects of overall design on the general amenity of the area; and~~
- ~~(c) the intent of this Plan, all applicable policies and guidelines adopted by Council, and the submission of any advisory group.~~

The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building to a maximum of 22.8 m if

- (a) site has a frontage no greater than 45.7 m;
- (b) all residential units are social housing; and
- (c) **the Director of Planning or the Development Permit Board** first considers:
 - ~~(i)~~ (i) the intent of this Official Development By-law and all applicable Council policies and guidelines, and
 - ~~(iii)~~ (ii) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas.

Section 6 Sub-area 3 Powell Street/~~Japanese Village~~ Japantown

6.1 Intent

The Powell Street/~~Japanese Village~~ Japantown sub-area, outlined on Map 5, is intended to be a medium density mixed commercial-residential area, appropriate for retail, restaurant and other similar pedestrian-oriented uses at street level, and residential, commercial and office uses on upper floors. This sub-area should continue to provide shopping facilities which serve the day-to-day needs of local residents and workers of the Downtown Eastside Oppenheimer area.

The 300 and 400 blocks of Powell are also ~~intended to be the core of the Japanese Village~~ character area the heart of historic Japantown. Developments which recognize the area's unique ethnic history and which enhance its historical, architectural and cultural character are encouraged.

6.2 Uses

Add in appropriate alphabetical order and rename paragraphs:

Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.

6.5 Density

~~6.5.1 The maximum density for any development shall be a floor space ratio of 1.0, except that the Development Permit Board may permit an increase in the maximum density provided that:~~

- ~~(a) any floor area, above a floor space ratio of 1.0, created after April 20, 1982:
 - ~~(i) for non-residential use;~~
 - ~~(ii) for residential floor area and resulting in more than 4 additional units;~~
 - ~~(iii) from the conversion of sleeping, housekeeping or hotel units to dwelling units; or~~
 - ~~(iv) for live-work use;~~shall only be permitted if at least 20 percent of the floor area permitted above a floor space ratio of 1.0, or at least 20 percent of the additional residential units, is developed for social housing;~~
- ~~(d) the floor area shall not, in any case, exceed a floor space ratio of 2.5.~~

6.5.1 Subject to the provisions of subsection 6.5.2, the maximum floor space ratio for any development shall be 1.0, except that **the Director of Planning or the Development Permit Board** may permit an increase in the maximum density:

- (a) to a maximum floor space ratio of 2.5, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
- (b) to a maximum floor space ratio of 4.5 if:
 - (i) the site has a frontage no greater than 45.7m;
 - (ii) all residential units are social housing, and
 - (iii) **the Director of Planning or the Development Permit Board** first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

6.5.2. Despite the provisions of subsection 6.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses and accessory uses, if:

- ~~(d)~~ (a) the uses are existing as of [*date of enactment*];
- ~~(e)~~ (b) the uses are located on a site existing as of [*date of enactment*]; and
- ~~(f)~~ (c) there is no conversion of existing residential floor area.

~~6.5.2~~ 6.5.3 The following shall be excluded in the computation of ~~floor space ratio~~ floor area:

- ~~(e)~~ where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000.
- (e) the area of exterior walls that exceeds 152 mm to a maximum exclusion of 152 mm, as recommended by a Building Envelope Professional to control building envelope leaks, and:
 - (i) up to 51 mm in exterior walls that fall under Part 9 of the Building By-law, which provide RSI 2.88 (R-16) thermal insulation,
 - (ii) up to 333 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) thermal insulation,
 - (iii) up to 533 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) of thermal insulation as verified by a Registered Professional, and
 - (iv) up to 127 mm in exterior walls that fall under Part 3 of the Building By-law, which provide RSI 2.65 (R-15) thermal insulation in the overall wall surface as verified by a Registered Professional,except that this section is not to apply to exterior walls in existence before May 31, 2011.

~~6.5.3~~ 6.5.4 The following may be excluded in the computation of ~~floor space ratio~~ floor area:

6.5.5 Floor area excluded pursuant to sections 6.5.3 and 6.5.4 shall not be put to any use other than that which justified the exclusion.

6.6 Physical Form

6.6.1 Height

The minimum height of a building within this sub-area shall be 7 meters (approximately 23 feet; approximately two storeys). The maximum height shall be 15 meters (approximately 49 feet; approximately four storeys).

The Development Permit Board may permit an increase in the maximum height of a building with respect to any development provided it first considers:

- ~~(a) the height, bulk and location of the building and its effect on the site, surrounding buildings and street, and existing views;~~
- ~~(b) the effects of overall design on the general amenity of the area; and~~
- ~~(c) the intent of this Plan, all applicable policies and guidelines adopted by Council, and the submission of any advisory group.~~

The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building to a maximum of 22.8 m if

- (a) the site has a frontage no greater than 45.7 m,
- (b) all residential units are social housing, and
- (c) **the Director of Planning or the Development Permit Board** first considers:
 - (i) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (ii) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

Section 7 Sub-area 4 Alexander/Powell

7.2 Uses

Add in appropriate alphabetical order and rename paragraphs:

Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.

7.5 Density

~~7.5.1 The maximum density for any development shall be a floor space ratio of 1.0, except that the Development Permit Board may permit an increase in the maximum density provided that:~~

- ~~(a) any floor area, above a floor space ratio of 1.0, created after April 20, 1982:
 - ~~(i) for non-residential use;~~
 - ~~(ii) for residential floor area and resulting in more than 4 additional units;~~
 - ~~(iii) from the conversion of sleeping, housekeeping or hotel units to dwelling units; or~~
 - ~~(iv) for live work use;~~~~

~~shall only be permitted if at least 20 percent of the floor area permitted above a floor space ratio of 1.0, or at least 20 percent of the additional residential units, is developed for social housing;~~

- ~~(e) the floor area shall not, in any case, exceed a floor space ratio of 2.5.~~

7.5.1 Subject to the provisions of subsection 7.5.2, the maximum floor space ratio for any development shall be 1.0, except that ~~the Director of Planning or the Development Permit Board~~ may permit an increase in the maximum density:

- (a) to a maximum floor space ratio of 2.5, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
- (b) to a maximum floor space ratio of 4.5 if:
 - (i) the site has a frontage no greater than 45.7m;
 - (ii) all residential units are social housing; and
 - (iii) ~~the Director of Planning or the Development Permit Board~~ first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

7.5.2. Despite the provisions of subsection 7.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses and accessory uses, if:

- (a) the uses are existing as of [*date of enactment*];
- (b) the uses are located on a site existing as of [*date of enactment*]; and
- (c) there is no conversion of existing residential floor area."

~~7.5.2~~ 7.5.3 The following shall be excluded in the computation of ~~floor space ratio~~ floor area:

- (e) the area of exterior walls that exceeds 152 mm to a maximum exclusion of 152 mm, as recommended by a Building Envelope Professional to control building envelope leaks, and:
 - (i) up to 51 mm in exterior walls that fall under Part 9 of the Building By-law, which provide RSI 2.88 (R-16) thermal insulation,
 - (ii) up to 333 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) thermal insulation,

- (iii) up to 533 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) of thermal insulation as verified by a Registered Professional, and
- (iv) up to 127 mm in exterior walls that fall under Part 3 of the Building By-law, which provide RSI 2.65 (R-15) thermal insulation in the overall wall surface as verified by a Registered Professional, except that this section is not to apply to exterior walls in existence before May 31, 2011.

~~7.5.3~~ 7.5.4 The following may be excluded in the computation of ~~floor-space-ratio~~ floor area:

7.5.5 Floor area excluded pursuant to sections 7.5.3 and 7.5.4 shall not be put to any use other than that which justified the exclusion.

7.6 Physical Form

7.6.1 Height

The minimum height shall be 15 meters (approximately 49 feet; approximately four storeys).

~~The Development Permit Board may permit an increase in the maximum height of a building with respect to any development provided it first considers:~~

- ~~(a) the height, bulk and location of the building and its effect on the site, surrounding buildings and street, and existing views;~~
- ~~(b) the effects of overall design on the general amenity of the area; and~~
- ~~(c) the intent of this Plan, all applicable policies and guidelines adopted by Council, and the submission of any advisory group.~~

~~The~~ **the Director of Planning or Development Permit Board** may permit an increase in the maximum height of a building to a maximum of 22.8 m if

- (a) the site has a frontage no greater than 45.7 m,
- (b) all residential units are social housing, and
- (c) **the Director of Planning or the Development Permit Board** first considers:

- (i) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
- (ii) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

Appendix G

(Attached to Policy Report entitled "Downtown Eastside Local Area Plan" dated February 24, 2014.)

Zoning and Development Bylaw Text Amendments

SUMMARY OF AMENDMENTS:

February 24, 2014 Original Appendix to the Policy Report

- Deleted provisions have text ~~struck out~~ and newly inserted provisions are in **bold text**

March 15, 2014 Council Resolution to Refer to Public Hearing

- Additional changes shown with **yellow highlight**

March 21, 2014 Amending By-laws as Posted

- Refinements made prior to posting the by-laws shown with **blue highlight**
-

Section 2 - Definitions

Under "Dwelling Uses", add in alphabetical order:

"Micro dwelling", which means a self contained residential unit which is no less than 23.2 m² and no more than 29.7 m²

Strike out:

~~"Social Housing", means social housing as defined in Vancouver Development Cost Levy By law 9755 and in Area Specific Development Cost Levy By law 9418, except that the words ", for the purpose of section 523D(10)(d) of the Vancouver Charter," shall not form part of this definition."~~

and substitute:

"Social Housing" means rental housing:

- (a) in which at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current "Housing Income Limits" table published by the British Columbia Housing Management Commission, or equivalent publication;**
- (b) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and**
- (h) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the**

city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require;

except that in the HA-1 and HA-1A districts, the HA-2 district, the area of the FC-1 District located north of National Avenue, in the area of the M-1, I-2, RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive; the Downtown-Eastside Oppenheimer District and the area of the Downtown District denoted as C2 on Map 1 of the Downtown Official Development Plan, ~~RM and RT zones in Strathcona, M1 zone in Hastings, I2 zone in Kiwassa;~~ social housing means rental housing:

- (i) in which at least one third of the dwelling units are occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and are rented at rates no higher than the shelter component of Income Assistance;
- (j) which is owned by a non-profit corporation, by a non-profit co-operative association, or by or on behalf of the city, the Province of British Columbia, or Canada; and
- (k) in respect of which the registered owner or ground lessee of the freehold or leasehold title to the land on which the housing is situate has granted to the city a section 219 covenant, housing agreement, or other security for the housing commitments required by the city, registered against the freehold or leasehold title, with such priority of registration as the city may require.

Section 10.21 - 10.21 Dwelling Units

10.21.2 ~~The~~ Subject to the provisions of section 10.21.7, the floor area of each:

At the end of Section 10.21 add:

10.21.7 The minimum requirements regarding floor area in section 10.21.2 do not apply to the conversion or demolition of a room designated under the Single Room Accommodation By-law, if the conversion or demolition adds bathroom and cooking facilities to the designated room.

Section 11 - Additional Regulations:

At the end of Section 11, add:

11.26 Micro dwelling

11.26.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.

~~11.26.1~~ 11.26.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:

- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
- (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.

11.26.2 A micro dwelling is only permitted in:

- (a) HA-1 and HA-1A districts;
- (b) HA-2 district;
- (c) that area of the FC-1 District north of National Avenue;
- (d) Downtown-Eastside Oppenheimer District;
- (e) that area of the Downtown District that is denoted as C2 on Map 1 of the Downtown Official Development Plan.

11.26.3 No more than one person shall occupy a micro dwelling.

HA-1 and HA-1A Districts Schedule, in Section 3.2.DW, add in the appropriate alphabetical order:

- Micro dwelling, subject to the provisions of section 11.26 of this By-law

HA-2 District Schedule, in Section 3.2.DW, add in the appropriate alphabetical order:

- Micro dwelling, subject to the provisions of section 11.26 of this By-law

FC-1 District Schedule, in Section 3.2.DW add, in the appropriate alphabetical order:

- Micro dwelling, subject to the provisions of section 11.26 of this By-law