



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: February 10, 2016
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Meeting Date: March 8, 2016

TO: Vancouver City Council

FROM: Acting General Manager of Planning and Development Services

SUBJECT: Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, the Downtown Eastside/ Oppenheimer Official Development Plan, the RM-7 and RM-7N Guidelines and the Licence By-law.

RECOMMENDATION

- A. THAT the Acting General Manager of Planning and Development Services be instructed to make application to amend the Zoning and Development By-law, generally as presented in Appendix A, to:
- (i) amend Section 4.4.4 and Section 4.4.5 of the RM-7 and RM-7N Districts Schedule and the RM-8 and RM-8N Districts Schedule to increase the allowable projection of covered porches into the front yard, including the basement area directly below for multiple dwellings;
 - (ii) amend the RM-7 and RM-7N Districts Schedule to allow an increase in the maximum number of storeys for multiple dwellings with 4 or more dwelling units on sloping sites to improve liveability;
 - (iii) add a definition for "Theatre" in Section 2 Cultural and Recreation Uses for clarification and to ensure consistency in interpretation;
 - (iv) amend the definition for Neighbourhood Grocery Store in Section 2 Retail Uses and Section 11.16 to establish the sale of groceries and convenience goods as the primary purpose and to permit the selling and serving of prepared food as an ancillary use;

- (v) amend Section 5. 2 of the C-3A District Schedule, Section 5.1 of the C-5, C-5A and C-6 Districts Schedule and Section 5.3 of the FC-1 District Schedule to add cultural facility to the list of amenities for which a relaxation of the maximum floor space ratio of a building may be considered in exchange for the provision of the amenity;
- (vi) amend the RM-8 and RM-8N Districts Schedule to clarify that the maximum floor space ratio achievable by providing amenity or affordable housing shares must comply with the District Schedule and Zoning and Development By-law;
- (vii) amend the RS-6 District Schedule to allow a relaxation of the floor area distribution requirements for new development in a floodplain and eliminate redundancy in Section 5.5.2;
- (viii) Amend Section 3.2 of the RT-11 and RT-11N Districts Schedule, RM-7 and RM-7N Districts Schedule, RM-8 and RM-8N Districts Schedule and RM-9 and RM-9N Districts Schedule and Section 11.24.2 of the Zoning and Development By-law to clarify that a laneway house is permitted only in conjunction with a one-family dwelling or one-family with a secondary suite;
- (ix) amend Section 4.4.4 of the RT-10 and RT-10N Districts Schedule to correct a sub-section reference;
- (x) amend Section 5.1[sic] of the HA-1 and HA-1A and HA-2 Districts Schedules to correct a numbering error;

and that the application be referred to a Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A, for consideration at Public Hearing.

- B. THAT the Acting General Manager of Planning and Development Services be instructed to make application to amend the Table of Contents, Section 7 and Section 7-11 of the Downtown Official Development Plan and Sections 4.8, 4.8.1, 4.8.3, 5.8, 5.8.1, 5.8.3, 6.8, 6.8.1, 6.8.3, 7.8, 7.8.1 and 7.8.3 of the Downtown- Eastside/Oppenheimer Official Development Plan to add a cultural facility to the list of amenities for which a relaxation of the maximum floor space ratio of a building may be considered in exchange for the provision of the amenity, generally as presented in Appendices B and C;

and that the application be referred to a Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendices B and C, for consideration at Public Hearing.

- C. THAT subject to approval of the amended definition of Neighbourhood Grocery Store in Section 2 of the Zoning and Development By-law, the Director of Legal Services be instructed to bring forward at the time of enactment of the amending by-law, a related amendment to the License By-law, generally in accordance with Appendix D.
- D. THAT the RM-7 and RM-7N Guidelines be amended to clarify dwelling unit density requirements, allow an increase in the maximum number of storeys for stacked townhouse developments on sloping sites to improve liveability and relax the permissible increase in the building height of rowhouses from 10.7 m to 11.5 m to match the existing height considered for multi-family dwellings with 4 or more units, generally in accordance with Appendix E.

REPORT SUMMARY

This report proposes miscellaneous amendments to the **Zoning and Development By-law** to:

- 1) increase the allowable projection of covered porches into the front yard, and the basement area directly below, for multiple dwellings, in the RM-7/7N and RM-8/8N districts;
- 2) allow an increase in the maximum number of storeys from two and partial third storey to three and a partial fourth storey for multiple dwellings with 4 or more dwelling units on sloping sites in the RM-7/7N district to improve liveability;
- 3) add a definition for Theatre use in Section 2 Cultural and Recreational Uses to ensure consistency of interpretation and to provide clarification;
- 4) amend the definition and regulations for Neighbourhood Grocery Store to establish the sale of groceries and convenience goods as the primary purpose and permit the selling and serving of prepared food as an ancillary use;
- 5) clarify that a relaxation of the maximum floor space ratio of a building may be considered in exchange for the provision of a cultural facility in the C-3A, C-5, C-5A and C-6 and FC-1 districts;
- 6) amend the RM-8/8N Districts Schedule to clarify that the maximum floor space ratio achievable through payment of amenity/affordable housing shares must comply with the District Schedule and the Zoning and Development By-law;
- 7) allow a relaxation to the floor area distribution requirement for the first and second storeys for new development located in a floodplain in the RS-6 District Schedule;
- 8) clarify that a laneway house is permitted only in conjunction with an existing one-family dwelling or one-family dwelling with a secondary suite;

- 9) amend the RT-10 and RT-10N Districts Schedule to correct a referencing error; and
- 10) amend the HA-1 and HA-1A and HA-2 District Schedules to correct a section numbering error.

The report also proposes amendments to other regulatory documents as listed below:

- **Downtown Official Development Plan (DODP) and Downtown-Eastside/Oppenheimer Official Development Plan (DEOD ODP):** Clarify that a relaxation of the maximum floor space ratio of a building may be considered in exchange for the provision of a cultural facility.
- **RM-7 and RM-7N Guidelines:** Three amendments are being proposed: Clarify that the maximum dwelling unit density requirements may not be achievable on all sites due to livability considerations and preference for larger units; allow an increase in the maximum number of storeys for stacked townhouse developments on sloped sites to improve liveability; and amend the permissible increase in the building height for rowhouses, that may be considered by the Director of Planning, from 10.7 m (35 ft) to 11.5 m (37.5 ft) as permitted in the RM-7 and RM-7N District Schedules for multi-family housing with 4 or more units.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

In May 2009, Council directed staff to commence a regulatory review of small and medium sized spaces for live performances. In January 2010, Council received the first report based on a series of community and staff roundtables, which identified nine key issues including incongruent and outdated policies, and inconsistent interpretation of regulations. Subsequent reports and Council decisions focused on by-laws and regulatory processes to enable more arts and culture events.

In September 2014, Council amended the Zoning and Development By-law to allow floors located at or below finished grade with a ceiling height of less than 1.5.m to be excluded from the computation of floor area, on sites in a designated flood plain in an R District.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The Acting General Manager of Planning and Development Services recommends approval of the foregoing.

REPORT

Background/Context

From time to time, miscellaneous amendments to the Zoning and Development By-law or other by-laws, guidelines and policies are required in order to improve clarity, update terminology or address inadvertent omissions and to better streamline the development approval process. In general, one or two miscellaneous amendment reports per year are processed to keep up with needs and changes. By-law amendments that are substantive in nature are not included in these packages, but are reported separately.

Strategic Analysis

1. RM-7 and RM-7N and RM-8 and RM-8N Districts Schedules: Increase Covered Porch Projection.

Currently, covered verandas or porches in the RM-7 and RM-7N and RM-8 and RM-8N districts (see map in Appendix F) are allowed to project up to 1.2 m into the front yard. Similarly, basement floor area directly below covered porches, in multiple dwellings, may project a maximum of 1.2 m into the front yard.

For stacked townhouses, the provision of private open space is important and front or rear yard space may be available only for a few ground-level units. To provide sufficient private open space for all units, including those in the upper storeys, the District's Design Guidelines encourage a spacious balcony or deck with a minimum depth of 1.8 m (6 ft). Providing open space through spacious porches or balconies is difficult however, since the maximum permitted projection into the front yard, as per the District Schedule, is only 1.2 m (4 ft). The dimensional discrepancy between the 1.2 m projection and the desired 1.8 m open space requires complex framing of the front elevation. The additional 0.6 m (2 ft) is achieved by recessing the balcony into the main living space, creating an overhang above, which adds to the cost of construction.

It is recommended that, for multiple dwellings, the permitted projection of covered front porches into the front yard, including the basement area directly below be increased from 1.2 m (4 ft) to 1.8 m (6 ft).

2. RM-7 and RM-7N District Schedule: Permit an Increase in the Maximum Number of Storeys for Multiple Dwellings (4 or more units) on Sloping Sites.

In the RM-7 and RM-7N District Schedule, the maximum building height for stacked townhouses is 11.5 m and 2 storeys with a partial third storey (which must not exceed 60% of the storey immediately below).

The livability of ground level floor area in units on sloping sites is often compromised in terms of access to natural light, ventilation and views to the outside. It is, therefore, recommended that to improve livability, the permitted maximum number of storeys be increased to allow three storeys with a partial fourth storey (if it does not exceed 60% of the storey immediately below), within the existing maximum building height of 11.5 m.

3. Section 2 Definitions: Add a Definition for Theatre in Cultural and Recreational Uses.

Theatre is listed as a Cultural and Recreational Use in Section 2, but is currently not defined. It is recommended that the following definition be added for clarification and to ensure consistency of interpretation: "Theatre means a facility for performing arts, motion pictures, other media arts or presentations before a live audience, excluding cabaret." The proposed definition is flexible to accommodate the evolving contemporary artistic practices that present their work

in theatres and is based on best practices from Canadian and US municipalities. The definition responds to direction from the arts and culture community during the Live Performance Venue Regulatory Review community roundtables to clarify and address inconsistency in the interpretation of regulations.

4. Section 2 Definitions and Section 11.16: Amend Neighbourhood Grocery Store definition to include the Sale and Service of Prepared Food as an Ancillary Use.

Neighbourhood grocery stores in the City's residential districts are important local food assets, helping to achieve the City's Greenest City and Healthy City goals to encourage food friendly neighbourhoods. Neighbourhood grocery stores existing as of July 29, 1980 are allowed as conditional uses in all residential zones. There are currently 19 neighbourhood grocery stores operating in single-family and duplex zones and 18 in multi-family apartment zones.

The Zoning and Development By-law restricts neighbourhood grocery stores to the retailing of groceries and ancillary convenience goods and services within a maximum size of 110 m². It is proposed that the sale and service of prepared food also be allowed as an ancillary use within the current maximum size. This would assist in encouraging and supporting the viability of small local food businesses in residential areas throughout the city. Additional regulations to restrict indoor and outdoor seating to a total of 16 and to prohibit live entertainment are also recommended to minimize neighbourhood impacts. It is not anticipated that the proposed amendments will result in additional impacts on neighbours.

A related consequential amendment is also recommended to the License By-law for consistency.

5. C-3A, C-5, C-5A and C-6, FC-1, DODP and DEOD ODP: Permit a Relaxation of Floor Space Ratio of a Building which includes a Cultural Facility.

The C-3A, C-5, C-5A and C-6 and FC-1 District Schedules and the DODP and DEOD ODP (see map in Appendices G, H and I) allow a relaxation of the maximum floor space ratio for a building which includes a public, social, or recreational facility for which the need has been demonstrated. It is recommended that cultural facilities be included to this list of amenities, as the relaxation was intended to also include these amenities, which is consistent with similar relaxations in other districts.

6. RM-8/8N Districts Schedule: Clarify that the Maximum Floor Space Ratio achievable through Provision of Amenity/Affordable Housing Shares is based upon the District Schedule and Zoning and Development By-law.

Section 4.7.3 of the RM-8 and RM-8N Districts Schedule allows an increase in permitted floor area for multiple dwellings, based on the payment of an amenity or housing share to a specified maximum density. However, the actual density a development can achieve is determined through regulations in the District Schedule and the Zoning and Development By-law, and therefore, may be less than the maximum density available through the density bonus.

It is recommended that a provision be included in the District Schedule to clarify that the maximum floor space ratio achievable as a result of the provision of amenity shares or affordable housing shares must also comply with the District Schedule and the Zoning and Development By-law.

7. RS-6 District Schedule: Relax the Floor Area Distribution Requirement Above-Grade for New Development in a Floodplain.

Section 4.7.1 (d) of the RS-6 District Schedule (see map in Appendix J) allows the Director of Planning to increase the floor space ratio of a single family house from 0.60 to 0.64, on the condition that the above grade floor area be contained within two and a half storeys and that the area of all the floors on the first, second and half storey not exceed a floor space ratio of 0.24 plus 130 m². However, as flood construction levels for new development in the flood plain require the lower habitable floor area to be raised above grade, it is not possible to build a half storey above the second storey and also comply with the maximum permitted height.

To address this, it is recommended that for new development in the flood plain, the requirement to locate additional floor area in a half storey above the second storey be relaxed to enable all floor area to be provided on the first and second storeys.

It is also recommended that Section 5.5.2, which permits a similar relaxation to floor area distribution due to structural incapability or height, access or view blockage concerns of buildings existing prior to March 26, 1996, be amended to replace the word "impractical" with "not possible" and to delete the last sentence which is redundant.

8. Section 11.24 and RT-11, RM-7 and RM-7N, RM-8 and RM-8N and RM-9 and RM-9N District Schedules: Clarify a Laneway House is Permitted only in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite.

Laneway houses are allowed in all RS districts as well as in the RT-11, RM-7/7N, RM-8/8N and RM-9/9N districts in conjunction with a one family dwelling or, with a one-family dwelling and secondary suite built under a RS district schedule. Currently, several of these districts also allow for multiple conversion dwellings (i.e. a principal building converted to contain two or more residential units) and permit a laneway house on a site with one principal building. Although both a single family dwelling and a multiple conversion dwelling are considered "one principal building", laneway houses are not permitted in conjunction with a multiple conversion dwelling.

To clarify this, the following amendments are proposed:

- In Section 3.2.DW of the RT-11, RM-7/7N, RM-8/8N, RM-9/9N district schedules, delete the following:

“on a site with one principal building”

- In the laneway house regulations in Section 11.24, amend the wording to include:

“not permissible except in conjunction with a one-family dwelling or one-family dwelling with secondary suite”

9. RT-10 and RT-10N District Schedule: Incorrect Reference

Section 4.4.4 identifies an incorrect reference. The reference should read “section 4.7.3 (f)”.

10. HA-1 and HA-1A and HA-2 District Schedules: Incorrect Numbering in Section 5

In March 2015, Council approved standardized Horizontal Angle of Daylight (HAD) regulations in various districts, including the HA-1 and HA-1A, and HA-2 districts. This provision was incorrectly inserted as Section 5.1. It is recommended that the numbering be corrected and replaced with 5.3 and 5.2 respectively.

11. RM-7 and RM-7N Guidelines: (Refer to Appendix E)

- Add a clause to Section 4.3 Height to allow an increase in the maximum number of storeys for a stacked townhouse from two and a partial third storey to three and a partial fourth storey, which does not exceed 60% of the storey immediately below, for development on sloping sites to improve livability;
- Clarify that the maximum dwelling unit density specified in the district schedule may not be achievable in order to provide larger 3-bedroom family-friendly units at or above grade; and
- Amend the permissible increase in building height for rowhouses, which may be considered by the Director of Planning, from 10.7 m (35 ft) to 11.5 m (37.5 ft) as permitted in the RM-7 and RM-7N Districts Schedule for multi-family dwellings with 4 or more units. Rowhouse units often include a large lock-off rental suite (up to 500 ft²). Given that a large portion of each rowhouse unit may be targeted for rental, a higher building height for the rowhouse unit would serve to maximize the livability of the remainder of the dwelling unit.

Implications/Related Issues/Risk

Financial

The proposed amendments will not result in material financial implications to the City or to the cost of development.

CONCLUSION

This report recommends a number of miscellaneous amendments that will, if approved, improve clarity, reduce redundancy, support small business, streamline the development approval process and provide more certainty for both staff and property owners. It is part of a program to ensure continuous improvements and modernization of the Zoning and Development By-law and other regulatory and policy documents, which in this case include the Downtown and Downtown Eastside/Oppenheimer Official Development Plans, the RM-7 and RM-7N Guidelines and the License By-law.

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Zoning & Development By-law
amendments re: Definition of theatre
sites in flood plains, laneway houses,
neighbourhood grocery stores,
bonus density and miscellaneous Draft for Public Hearing

BY-LAW NO. _____

A By-law to amend
Zoning and Development By-law No. 3575
regarding definition of theatre
sites in flood plains, laneway houses, neighbourhood grocery stores
bonus density and miscellaneous amendments

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law No. 3575
2. In Section 2, Council:
 - (a) under Cultural and Recreational Uses, adds a definition of Theatre as follows:

“Theatre means a facility for performing arts, motion pictures, other media arts or presentations before a live audience, excluding cabaret.”; and

- (b) under Retail Uses, strikes out the definition of Neighbourhood Grocery Store and substitutes:

“Neighbourhood Grocery Store, which means the use of premises in a residential district for the primary purpose of selling groceries and convenience goods, and may include selling and serving prepared food and beverages for consumption on or off the premises, but does not include the sale of alcohol.”

3. Council strikes out section 11.16 and substitutes:

“11.16 Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores

11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.

11.16.2 The maximum permitted frontage for a site is 15.3 m.

11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².

11.16.4 The maximum permitted number of indoor and outdoor seats is 16.

11.16.5 Live entertainment is not permitted.

11.16.6 Before granting a development permit, the Director of Planning must:

(a) notify surrounding property owners and residents:

(b) consider:

- (i) the design of any proposed building addition;
- (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
- (ii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.

11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store."

4. Council strikes out section 11.24.2 and substitutes:

"11.24.2 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site."

5. In the RS-6 District Schedule, Council:

(a) adds in chronological order:

"5.4.2 The Director of Planning may relax section 4.7.1 (d)(ii)(2) for new buildings located in a flood plain to allow a floor space ratio on the first and second storey not exceeding 0.24 plus 130 m² where the development of a half-storey above an existing second storey is not possible due to designated flood construction levels"; and

(b) strikes out Section 5.5.2 and substitutes:

"5.5.2 The Director of Planning may relax section 4.7.1 (d)(ii)(2) for buildings existing prior to March 26, 1996 to allow a floor space ratio on the first and second storey not exceeding 0.24 plus 130 m² where the development of a half-storey above an existing second storey is not possible due to the structural incapability of the existing building or because of height, access or view blockage concerns."

4. In the RT-10 and RT-10N District Schedule, in section 4.4.4, Council strikes out "(g)" and substitutes "(f)".

5. In the RT-11 and RT-11N District Schedule, in section 3.2.DW, after "Laneway House", Council strikes out "on a site with one principal building".

6. In the RM-7 and RM-7N District Schedule, Council:

(a) in section 3.2.DW, after "Laneway House", strikes out "on a site with one principal building";

(b) after section 4.3.5, adds:

"4.3.6 Notwithstanding sections 4.3.1 and 4.3.3 of this schedule, the Director of Planning may permit an increase in the number of storeys in a multiple dwelling containing 4 or more dwelling units, not including lock-off units, to 3 storeys and a partial 4th storey, with a maximum height of 11.5 m if:

- (a) the construction of a multiple dwelling with 2 storeys and a partial 3rd storey would result in any portion of a floor used for living accommodation being more than 1.83 m below the finished grade of the adjoining ground;
- (b) the 4th storey, meaning the uppermost level of a building where the floor area, existing, proposed or as may be extended over open-to-below space, and having a minimum ceiling height of 1.2 m, does not exceed 60% of the storey immediately below; and
- (c) the Director of Planning first considers the intent of this schedule and all applicable Council policies and guidelines."; and

(c) strikes out sections 4.4.4 and 4.4.5 and substitutes:

"4.4.4 Covered porches complying with section 4.7.5 (h) of this schedule, may project up to 1.8 m into the required front yard.

4.4.5 For multiple dwellings, portions of basement floor area directly below covered porches may project up to 1.8 m into the required front yard."

7. In the RM-8 and RM-8N District Schedule, Council:

(a) in section 3.2.DW, after "Laneway House", strikes out "on a site with one principal building";

(b) re-numbers 4.7.6, 4.7.7, and 4.7.8 as 4.7.7, 4.7.8, and 4.7.9 respectively;

(c) strikes out sections 4.4.4 and 4.4.5 and substitutes:

"4.4.4 Covered porches complying with section 4.7.9 (h) of this schedule, may project up to 1.8 m into the required front yard.

4.4.5 For multiple dwellings, portions of basement floor area directly below covered porches may project up to 1.8 m into the required front yard."; and

(d) in re-numbered 4.7.9(h)(ii), strikes out "4.7.8(a)" and substitutes "4.7.9(a)";
and

(e) adds in chronological order:

"4.7.6 Notwithstanding sections 4.7.3 and 4.7.7, the maximum floor space ratio achievable as a result of the provision of amenity shares or affordable housing shares must otherwise comply in all respects with the District Schedule and this by-law."

8. In the RM-9 and RM-9N District Schedule, in section 3.2.DW, after "Laneway House", Council strikes out "on a site with one principal building".

9. In the C-3A District Schedule, Council strikes out section 5.2 and substitutes:

"5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions; and
- (e) the opinion of City Council."

10. In the C-5, C-5A and C-6 Districts Schedule, Council strikes out section 5.1 and substitutes:

"5.1 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions; and
- (e) the opinion of City Council."

11. In the FC-1 District Schedule, Council strikes out section 5.3 and substitutes:

"5.3 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may relax for any one building, which includes one or more of such facilities, the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

Downtown Official Development Plan
Miscellaneous Text Amendments
Regarding bonus density for public arts and culture facilities

Draft for public hearing

BY-LAW NO. _____

**A By-law to amend Downtown Official
Development Plan By-law No. 4912 regarding miscellaneous text amendments**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of Downtown Official Development Plan By-law No 4912.
2. In the Table of Contents, in the title to Section 7, after "Social" Council adds ", Cultural".
3. In Section 7, Council:
 - (a) amends the title to read: "**Section 7 - Social, Cultural and Recreational Amenities and Facilities**";
 - (b) at the end of subsection (3) strikes out "." and substitutes ";and"; and
 - (c) after subsection (3) adds:

"(4) facilities for arts and culture."

(c) strikes out the section entitled "**II. Bonuses for a Provision of Social and Recreational Facilities**" and substitutes:

"II. Bonuses for Provision of Social, Cultural and Recreational Facilities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

Downtown-Eastside/Oppenheimer
Official Development Plan
Re: bonus density for public cultural facilities

Draft for Public Hearing

BY-LAW NO. _____

A By-law to amend Downtown-
Eastside/Oppenheimer Official Development Plan By-Law
Regarding bonus density for cultural facilities

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Downtown-Eastside/Oppenheimer Official Development Plan By-law.

2. In Section 4.8, Council:

(a) Amends the title to read "**4.8 Social, Cultural and Recreational Facilities**";

(b) Strikes out section 4.8.1 and substitutes:

"4.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

(a) facilities which provide opportunities for physical fitness;

(b) facilities for general recreation;

(c) facilities which provide a service to the public, and

(d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building"

(c) Strikes out section 4.8.3 and substitutes:

"4.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

(a) the construction cost of the facility;

- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

3. In section 5.8, Council:

(a) Amends the title to read **"5.8 Social, Cultural and Recreational Facilities"**;

(b) Strikes out Section 5.8.1 and substitutes:

"5.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public, and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building." ;and

(c) Strikes out Section 5.8.3 and substitutes:

"5.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

4. In section 6.8, Council:

(a) Amends the title to read **"6.8 Social, Cultural and Recreational Facilities"**;

(b) Strikes out Section 6.8.1 and substitutes:

"6.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public, and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building." ; and

(c) Strikes out Section 6.8.3 and substitutes:

"6.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates."

5. In section 7.8, Council:

(a) Amends the title to read **"7.8 Social, Cultural and Recreational Facilities"**;

(b) Strikes out Section 7.8.1 and substitutes:

"7.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public, and
- (d) facilities for arts and culture.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building."

- (c) Strikes out Section 7.8.3 and substitutes:

"7.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxations of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates"

6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2016

Mayor

City Clerk

BY-LAW NO.

A By-law to amend License By-law No. 4450
regarding neighborhood grocery stores

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. In Section 2, Definitions, Council adds, in alphabetical order, the following definition:

“Neighbourhood Grocery Store” means the use of premises in a residential district for the primary purpose of selling groceries and convenience goods, and may include selling and serving prepared food and beverages for consumption on or off the premises, but does not include the sale of alcohol.”
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect the date of enactment of this By-law.

ENACTED by Council this day of , 2016

Mayor

City Clerk

[All additions/amendments are shown in bold italics. Only the sections with changes are shown.]

RM-7 AND RM-7N GUIDELINES

Adopted by City Council on May 15, 2013

4.3 Height

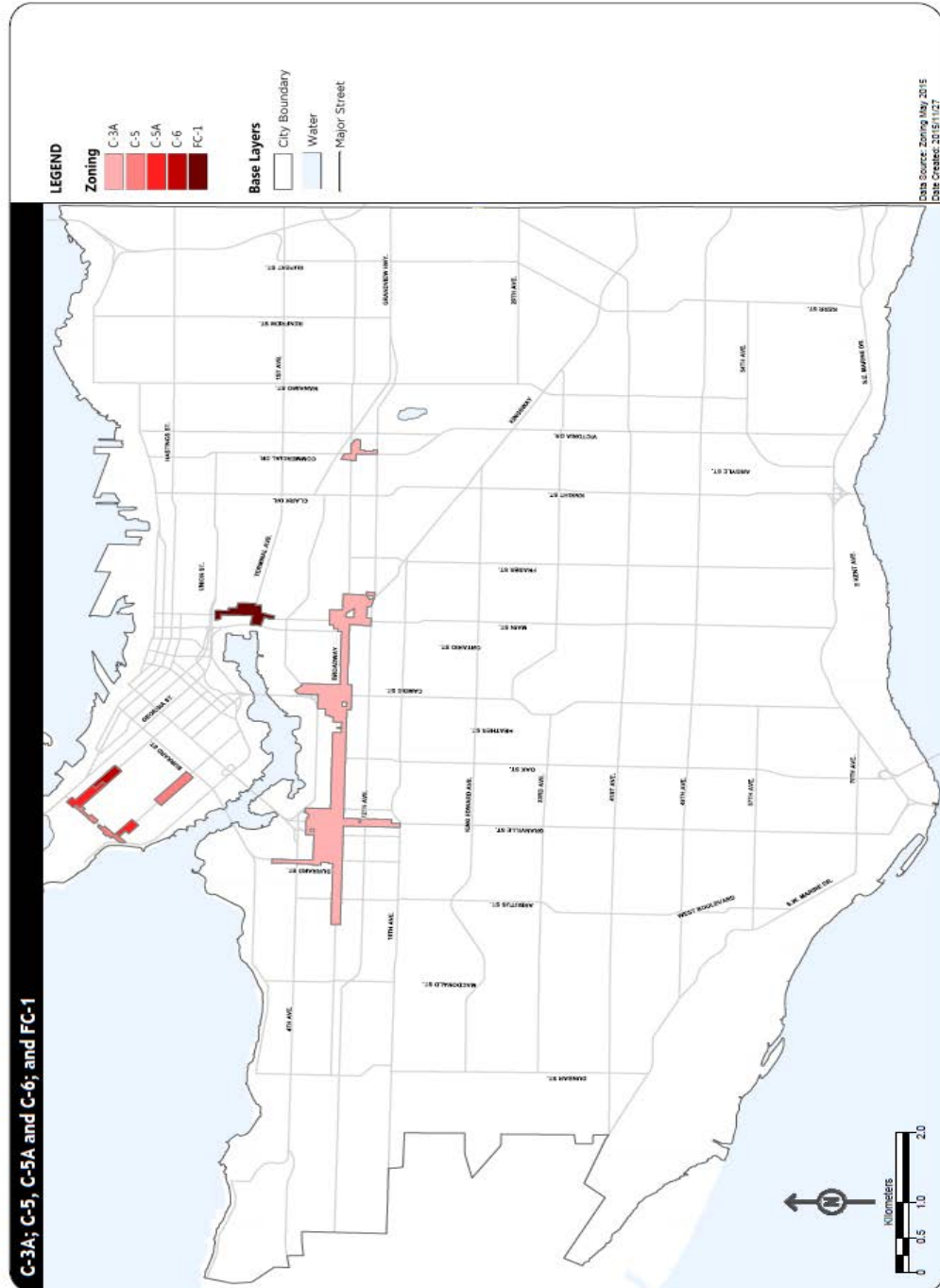
- (a) For rowhouses, the Director of Planning may permit an increase in building height to ***11.5 m (37.5 ft.)*** and two and a half storeys. In order to achieve better compatibility with adjacent existing development, the massing and roof forms should be designed to reduce apparent scale (refer to additional guidelines in Section 5.0).
- (b) For stacked townhouses, the Director of Planning may permit an increase in building height to 11.5 m (37.5 ft.) and a partial third storey, provided the partial third storey does not exceed 60% of the storey immediately below. The intention of this height increase is to achieve higher livability for units primarily located at basement level. There are generally two approaches to the design of the third storey:
 - (i) a pitched roof design where some of the floor space does not have full floor-to-ceiling height; or
 - (ii) a flat roof where the top level massing only occupies a portion of the footprint of the floor below and is well set back from the front elevation.
- (c) ***For stacked townhouses on sloping sites where the livability of basement level living space is compromised, the Director of Planning may permit an increase in the number of storeys to three and a partial fourth storey, provided the fourth storey does not exceed 60% of the storey immediately below, and the maximum height does not exceed 11.5 m. The intention of this increase in an additional storey is to achieve higher livability for units primarily located at basement level by improving access to natural light, ventilation and views to the outside.***
- (d) On sites encumbered by a right of way granted to the Greater Vancouver Sewerage and Drainage District where minimum side yards for stacked townhouses must be increased to permit development, the Director of Planning may permit a height increase to 11.5 m (37.5 ft.) and a full third storey. Please see Section 10 of these guidelines for more detail.
- (e) Infill or principal buildings located in the rear should be one and a half storeys. The Director of Planning can relax this to a partial second storey, with or without a basement. In considering the partial second storey, the guidelines in Section 5 should be followed. The Director of Planning may relax the 7.7 m (25 ft.) height limit on corner sites and on sloping sites to 9.1 m (30 ft.) where the infill or principal building is more than 4.9 m (16 ft.) from the adjacent property. However, a maximum height of 7.7 m (25 ft.) shall be maintained within 4.9 m (16 ft.) of adjacent properties.

New Section:

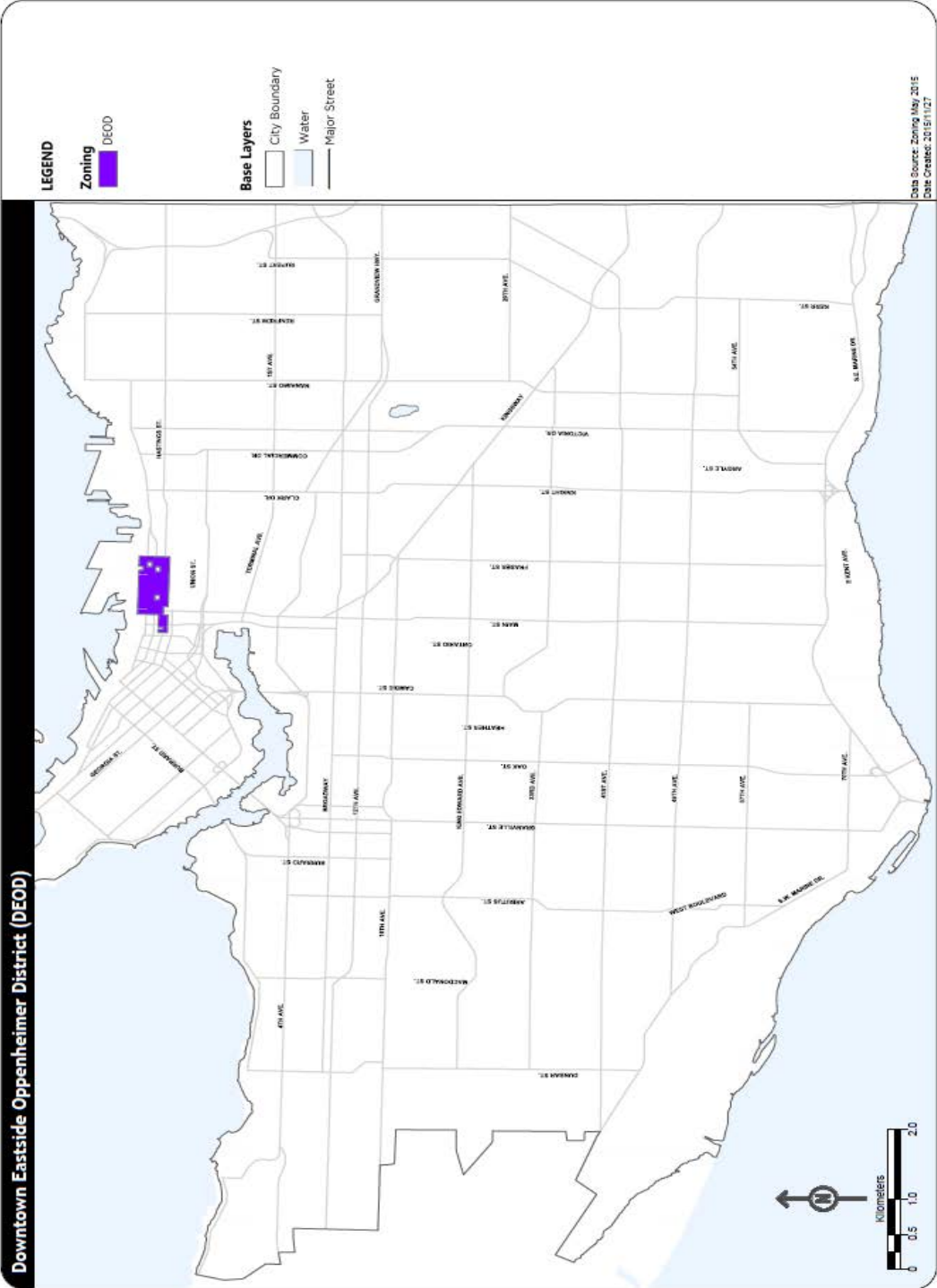
4.18 Dwelling Unit Density

The maximum number of dwelling units that may be considered in any development is based on the provision in section 4.18 of the RM-7 District Schedule. This maximum may not necessarily be achievable due to considerations of livability and the preference for larger dwelling units that are suitable for families. Typically, the location of the main living spaces (ie. living rooms) should be located at or above grade and a majority of the dwelling units should be large, 3-bedroom units approximately 1,200 ft² in size.

C-3A, C-5, C-5A and C-6 and FC-1 Zones



Downtown Eastside Oppenheimer District



RS-6 Zone

