



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: November 14, 2016
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Meeting Date: December 13, 2016

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Miscellaneous Amendments to the Zoning and Development By-law, the Downtown Official Development Plan By-law and the Artist Studio Guidelines

RECOMMENDATION

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend the Zoning and Development By-law, generally as presented in Appendix A, to:
- (i) amend Section 11.19.1 to relax the maximum two person occupancy restriction for a residential unit associated with an artist studio to all Class A artist studios, and Class B artist studios that comply with the regulations in the Building By-law for a Class B artist studio with integrated residential quarters which came into force on October 31, 1999, in an IC-3, HA, RT-3 and C district;
 - (ii) amend Section 11.28.2(e) to clarify that a medical marijuana-related use is prohibited on any site other than a site located on a block where all or part of the street in that block has a painted center line;
 - (iii) amend the RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules to remove the fees for density bonusing and re-insert the fees into a newly-created Schedule to the By-law;
 - (iv) amend the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedule to include an exclusion for amenity areas to a maximum of 10 percent of the total permitted floor area;

- (v) amend the RM-7, RM-7N and RM-7AN, RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules to exclude underground heating and mechanical equipment from the computation of floor area;
- (vi) amend the FM-1 District Schedule to include Urban Farm - Class A as a conditional use; and
- (vii) amend Section 3.2.DW of the HA and HA-1A , HA-2, FC-1, RT-3 and RM-3A District Schedules to correct a section reference;

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 General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend Section 4 (a) of the Downtown Official Development Plan By-law to clarify a misrepresentation, generally as presented in Appendix B;

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 B, for consideration at Public Hearing.

- C. That subject to the enactment of the amending by-law described in Recommendation A (i), the Artist Studio Guidelines be amended to reflect the relaxation of the maximum two person occupancy restriction for a residential unit associated with an artist studio, generally in accordance with Appendix C.

REPORT SUMMARY

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

- 1) relax the maximum two person occupancy restriction for a residential unit associated with an artist studio to all Class A artist studios, and Class B artist studios that comply with the regulations in the Building By-law for a Class B artist studio with integrated residential quarters which came into force on October 31, 1999, in an IC-3, HA, RT-3 and C district. This amendment will also be reflected in the Artist Studio Guidelines.
- 2) clarify that a medical marijuana-related use is prohibited on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- 3) remove density bonusing fees from the RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules and re-insert into a newly-created Schedule;

- 4) include an exclusion for amenity areas, including day care and recreation facilities and meeting rooms, to a maximum of 10 percent of the total permitted floor area in the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedule;
- 5) exclude underground heating and mechanical equipment from the computation of floor area in the RM-7, RM-7N and RM-7AN, RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules;
- 6) include Urban Farm - Class A as a conditional use in the FM-1 district to correct an omission; and
- 7) correct a section reference error in the HA and HA-1A , HA-2, FC-1, RT-3 and RM-3A District Schedules concerning micro dwellings.

The report also proposes a minor housekeeping amendment to the Downtown Official Development Plan (DODP) By-law.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On September 10, 1996, Council amended the Zoning and Development By-law to divide artist studios into two distinct classifications, Artist Studio - Class A and Artist Studio - Class B. Class B artist studios include work involving industrial processes, on-site film processing and art produced with amplified sound. The Vancouver Building By-law (VBBL) was similarly amended and a higher level of noise mitigation and fire and safety standards were mandated for the more hazardous Class B studios. The amendments to the VBBL took effect on October 31, 1999.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Planning, Urban Design and Sustainability 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. Section 11.19.1: Two-Person Occupancy Restriction for Residential Units associated with Artist Studios

Section 11.19.1 restricts the occupancy of residential units associated with an artist studio to two persons, with the exception of Class A artist studios (low impact art production) in IC-3, HA or C districts that provide a ventilated workshop space in a room separate from the residential unit. This restriction was introduced to prevent exposure of children and other family members to the health and safety hazards associated with the production of art involving toxic/hazardous materials, industrial processes or amplified sound.

However, the Vancouver Building By-law (VBBL) was amended on October 31, 1999 to include enhanced safety standards for Class B artist studios with an integrated residential unit, including a higher level of noise mitigation, fire standards and ventilation. Given the more rigorous safety standards for Class B studios, the low impact of Class A artist studio production and requests by artists to allow more persons to occupy the residential units associated with artist studios, it is recommended that Section 11.19.1 be amended to relax the maximum two person occupancy restriction for a residential unit associated with an artist studio to all Class A artist studios, and Class B artist studios that comply with the enhanced regulations in the Building By-law, in an IC-3, HA, RT-3 and C district. The recommendation also proposes the inclusion of the RT-3 district which had been inadvertently omitted.

This amendment also requires a corresponding change to the Artist Studio Guidelines in order to reflect the relaxation of the maximum two person occupancy restriction for a residential unit associated with an artist studio, as shown in Appendix C.

Further work around artist studios and associated residential units is proposed by Cultural Services in 2017.

2. Section 11.28.2(e): Clarification of Condition for Prohibition of Medical Marijuana-related Use

Section 11.28.2(e) stipulates that a medical marijuana-related use is prohibited on any site other than a site adjacent to a street that has a painted center line. This condition ensures that the medical marijuana-related use is located on a commercial arterial street and not on a street serving a residential neighbourhood. However, the current wording is unclear about the extent of the painted center line and the length of the street.

Therefore, it is recommended that this condition be amended to clarify that a medical marijuana-related use is prohibited on any site other than a site located on a block where all or part of the street has a painted center line.

3. RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN: Remove Cost of Density Bonus Shares from District Schedules and Transfer to New Affordable Housing and Amenity Share Schedule

Sections 4.7.4 and 4.7.5 in the RM-8 and RM-8N and Sections 4.7.4, 4.7.5, 4.7.8 and 4.7.9 in the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules include a provision for

an increase in the permitted floor area subject to the payment of an amenity share or affordable housing share. Annual inflationary adjustments applied to these shares trigger the need for a Council report and Public Hearing each year.

To streamline annual fee adjustments by eliminating the need for an annual Public Hearing, it is recommended that the amenity and affordable housing shares be removed from the RM-8 and RM-8N and the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules and transferred into a new "Affordable Housing and Amenity Share" Schedule to be created as part of the By-law.

4. RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN: Include Exclusion for Amenity Space

Currently, the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedule has no provision to exclude indoor amenity space from the computation of floor area. It is important that a sufficient amount of indoor amenity space is provided to enhance the opportunity for social interaction by encouraging residents and visitors to gather outside of individual units.

Indoor amenity space is excluded from floor area in other zones which allow multiple dwelling units and it is recommended that a provision to exclude amenity space to a maximum of 10 percent of the total permitted floor area also be included in the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules.

5. RM-7, RM-7N and RM-7AN, RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules: Exclude Underground Heating and Mechanical Equipment from Floor Area Computation

Currently, heating and mechanical equipment located underground in multiple dwellings is included in the computation of floor area in the RM-7, RM-7N and RM-7AN, RM-8 and RM-8N and RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN District Schedules. To encourage neighbourhood energy utility connectability, which is strongly supported through City policy, the intent had always been to exclude underground heating and mechanical equipment from the computation of floor area. This amendment simply corrects an outstanding omission in the District Schedules.

It is recommended that a new sub-section be included in each of the District Schedules to exclude heating and mechanical equipment located below the base surface of multiple dwellings from the computation of floor area.

6. FM-1 District Schedule: Include Urban Farming as a Conditional Use

On April 5, 2016, Council amended the Zoning and Development By-law to permit urban farming in various zones throughout the City. Although the intention was to allow Urban Farm - Class A in the FM-1 zone as a conditional use, it was inadvertently omitted.

It is recommended that this omission be rectified by including Urban Farm - Class A into the FM-1 District Schedule as a conditional use.

7. HA and HA-1, HA-2, FC-1, RT-3 and RM-3A - Section 3.2.DW: Incorrect Reference

Section 3.2.DW in the HA and HA-1, HA-2, FC-1, RT-3 and RM-3A District Schedules identifies an incorrect reference to Section 11.26 concerning micro dwellings. The correct reference should read Section 11.27.

8. Downtown Official Development Plan By-law: Housekeeping Amendment

Section 3 Part 4 (a) and (b) of the Downtown Official Development Plan are intended to be non-inclusive. However, the word "and" at the end of (a) does not make this clear. It is recommended that the word "and" be replaced with the word "or".

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, 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 Official Development Plan and the Artist Studio Guidelines.

* * * * *

Zoning & Development By-law
Miscellaneous amendments regarding
day cares, demolition, artist studios,
amenity and affordable housing shares,
density bonusing and other miscellaneous
amendments

Draft for Public Hearing

BY-LAW NO. _____

A By-law to amend
Zoning and Development By-law No. 3575
regarding affordable housing and amenity shares

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

1. This By-law amends or adds to the indicated provisions of the Zoning and Development By-law.

2. In section 2, Council strikes out the definitions of "Affordable Housing Share" and "Amenity Share" and substitutes:

"Affordable Housing Share" means a financial contribution in an amount per share as specified in the Affordable Housing and Amenity Share Schedule to this by-law, that is paid in exchange for a specified increase in the permitted floor area of a development and that is to be used for the provision of social housing;

"Amenity Share" means a financial contribution in an amount per share as specified in the Affordable Housing and Amenity Share Schedule to this by-law, that is paid in exchange for a specified increase in the permitted floor area of a development, and that is to be used towards the conservation or provision of an amenity as specified in the applicable zoning district schedule regulations;"

3. Council strikes out section 9.2 and substitutes:

"9.2 Districts and Schedules

The district schedules and other schedules that contain the uses and regulations pertaining to the districts referred to above are annexed hereto and form an integral part of this by-law."

4. In section 11, Council:

(a) strikes out section 11.19.1 and substitutes:

"11.19.1 No more than 2 persons may occupy the residential unit associated with an artist studio except that, the Director of Planning may relax this occupancy limit for the residential unit associated with:

- (a) an artist studio - Class A; or
- (b) an artist studio - Class B that complies with the regulations in the Building By-law for an artist studio - Class B with integrated residential quarters, which came into force on October 31, 1999;

provided that:

- (c) the artist studio is located in an IC-3, HA, RT-3 or C district; and

- (d) the Director of Planning first considers the submission of a property owner or tenant and all applicable Council policies and guidelines.”;

- (b) re-numbers the provisions dealing with micro dwellings as section 11.27 and subsections 11.27.1 through 11.27.4 respectively; and

- (c) strikes out section 11.28.2 (e) and substitutes:

“ on any site other than a site located on a block where all or part of the street in that block has a painted center line;”

- 5. In the RM-7, RM-7N and RM-7 AN Districts Schedule, in subsection 4.7.5 (c) Council adds:

Note: Take out and after (ii)

- “(iii) heating and mechanical equipment, or uses which in the opinion of the Director of Planning, are similar to the forgoing, which are located below the base surface;”

- 6. In the RM-8 and RM-8N Districts Schedule, Council strikes out sections 4.7.4 and 4.7.5 and substitutes:

“4.7.4 For the purposes of section 4.7.3, the cost of an affordable housing share is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule, for the RM-8 and RM-8N Zoning Districts.

4.7.5 For the purposes of section 4.7.3, the cost of an amenity share is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule, for the RM-8 and RM-8N Zoning Districts.”

- 7. In the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule, Council:

- (a) strikes out sections 4.7.4 and 4.7.5 and substitutes:

“4.7.4 For the purposes of section 4.7.3, the cost of an affordable housing share in the RM-9 and RM-9N Zoning Districts, is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule that applies:

- (a) to a maximum floor space ratio of 1.20; and
 - (b) to any increase in floor space ratio above 1.20.
- 4.7.5 For the purposes of section 4.7.3, the cost of an amenity share in the RM-9 and RM-9N Zoning Districts, is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule that applies:
 - (a) to a maximum floor space ratio of 1.20; and
 - (b) to any increase in floor space ratio above 1.20.”;
- (b) re-numbers sections 4.7.6 through 4.7.13 as 4.7.8 through 4.7.15 respectively;
- (c) adds, in numerical order:
 - “4.7.6 For the purposes of section 4.7.3, the cost of an affordable housing share is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule, for the RM-9BN Zoning District.
 - 4.7.7 For the purposes of section 4.7.3, the cost of an amenity share is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule, for the RM-9BN Zoning District.”; and
- (d) strikes out re-numbered sections 4.7.10 and 4.7.11 and substitutes:
 - “4.7.10 For the purposes of section 4.7.9, the cost of an affordable housing share is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule for the RM-9A and RM-9AN Zoning Districts.
 - 4.7.11 For the purposes of section 4.7.9, the cost of an amenity share is the amount specified per m² in the Affordable Housing and Amenity Share Cost Schedule for the RM-9A and RM-9AN Zoning Districts.”;

- (e) in re-numbered section 4.7.12, strikes out "4.7.7" and substitutes "4.7.9"; and
- (f) in re-numbered section 4.7.15:
 - (i) re-numbers subsections (e) through (j) as (f) through (k) respectively,
 - (ii) after subsection (d), adds:
 - "(e) amenity areas, including day care facilities, recreation facilities, and meeting rooms, to a maximum of 10 percent of the total permitted floor area;" , and
 - (iii) in re-numbered subsection (j), strikes out "4.7.13(a)" and substitutes "4.7.15(a)".

8. In the FM - 1 District Schedule, Council adds, in alphabetical order:

"3.2.AG [Agricultural]

- Urban Farm - Class A, subject to the provisions of section 11.29 of this By-law.
- Accessory Uses customarily ancillary to any of the uses listed in this section."

9. In the HA-1 and HA-1A Districts Schedule, the HA-2 District Schedule, the FC-1 District Schedule, the RT-3 District Schedule and the RM-3A District Schedule, under Section 3.2.DW, in the description of "Micro dwelling" Council strikes out "11.26" and substitutes "11.27".

10. Council adds the Affordable Housing and Amenity Share Cost Schedule attached as Schedule 1 to this by-law, as Schedule F to the Zoning and Development By-law.

11. 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 the By-law.

12. 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

Schedule 1

**Schedule F
Affordable Housing and Amenity Share Cost Schedule**

Zoning District	Affordable Housing Share Cost	Amenity Share Cost
RM-8 and RM-8N	\$116 per m ²	\$116 per m ²
RM-9 and RM-9N	\$116 per m ² (to a maximum floor space ratio of 1.20); and \$640 per m ² (for any increase in floor space ratio above 1.20)	\$116 per m ² (to a maximum floor space ratio of 1.20); and \$640 per m ² (for any increase in floor space ratio above 1.20)
RM-9A and RM-9AN	\$178.90 per m ²	\$178.90 per m ²
RM-9BN	\$32.29 per m ²	\$32.29 per m ²

Downtown Official Development Plan
Amending by-law re density of residential use
And housekeeping

Draft for public hearing

BY-LAW NO. _____

**A By-law to amend Downtown Official
Development Plan By-law No. 4912
regarding density of residential use
and housekeeping**

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 Section 4 (a), at the end, Council strikes out "and" and substitutes "or".
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 on the date of its enactment.

ENACTED by Council this day of , 2016

Mayor

City Clerk

Amendments to "ARTIST STUDIO GUIDELINES"
(Adopted by City Council on September 10, 1996 and amended March 21,
2006 and October 6, 2011)

Note: All additions are shown in bold italics and all deletions are struck-out. Only the sections with changes are shown.

~~2.6~~ **2.3 Light and Ventilation**

Adequate light is needed for the production of art. The residential unit, when located to the rear of the studio, can borrow light through the production area. Consideration should be given to other guidelines (e.g., specific guidelines for District Schedules).

~~3.3~~ **Limits on Occupancy**

~~The two person limit on the occupancy of artist "live/work" studios may be relaxed to accommodate families in cases where:~~

- ~~• the relaxation only applies to Artist Studio - Class A;~~
- ~~• amenities such as on-site open space is provided;~~
- ~~• it meets the requirements of the High-Density Housing for Families with Children Guidelines; and~~
- ~~• bicycle parking equivalent to the standard for multiple residential use is provided.~~

~~3.4~~ **3.4.3 Artist Studio - Class A Live-Work Use and Residential Unit Associated with an Artist Studio**

There are two use options in the Zoning and Development By-law that permit Artist Studio ~~Class A~~ use in live-work premises - Live-Work Use and "Residential Unit associated ~~and integrated~~ with an Artist Studio". An applicant's choice of option should be made with an awareness of the differences as discussed below.

- (a) Under Live-Work Use, occupants including artists are permitted to have employees and walk-in trade in their units. As noted in the Live-Work Use Guidelines, Live-Work units need to comply with Vancouver Building By-law requirements for both residential and non-residential occupancies.
- (b) Under "Residential Unit associated ~~and integrated~~ with an Artist Studio", occupants are limited to the production of art only, and employees and walk-in trade are not permitted. The Vancouver Building By-law allows these units to be designed as a residential occupancy, provided they comply with certain sprinklering and structural floor load requirements (i.e., generally the building code requirements are less onerous under this option). *Where "residential units associated with an Artist Studio" permit an occupancy of more than two persons and are located within a multi-unit development, consideration should also be given to ensuring a high standard of livability, including on-site amenity space, bicycle parking and where applicable, compliance with the requirements of the High-Density Housing for Families with Children Guidelines.*

There are separate zoning regulations and guidelines for each of these ~~live-work uses.~~ *Live-Work use and residential units associated with an Artist Studio.* For Live-Work Use, refer to the Live-Work Use Guidelines.