



CITY OF VANCOUVER

POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: 31 May 2007
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VanRIMS No.: 11-3600-20
Meeting Date: June 12, 2007

TO: Vancouver City Council

FROM: Director of the Housing Centre

SUBJECT: Text Amendments to Rate of Change Regulations

RECOMMENDATION

- A. THAT the Director of Planning make application to prepare a by-law amending the "Official Development Plan Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts" and a by-law amending certain zoning district schedules of the Zoning and Development By-law, generally as set out in Appendix A;
- B. THAT Council instruct the Director of Legal Services to prepare the necessary amendments generally as set out in Appendix A;

AND THAT Council refer the application and by-laws to a public hearing.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

COUNCIL POLICY

Council adopted a zero rate of change for all RM, FM and CD-1 zoning districts of the city on May 24, 2007, along with mitigation measures, as recommended by a report entitled "Protection of Rental Housing Stock: Rate of Change Regulations".

PURPOSE

This report brings forward text amendments to the recently adopted “rate of change” regulations to deal with a problem in the regulations and to correct an omission from the RM-4 and RM-4N Districts Schedule.

BACKGROUND

Following a Public Hearing on May 24, 2007, Council adopted an official development plan and amendments to the Zoning and Development By-law pertaining to the “rate of change”.

Staff have identified a potential problem in the regulations. A property owner could make a development application for a single family dwelling as an outright use within any of the apartment districts involved (RM or FM district); demolish the existing rental housing; and later make a development application for a strata titled multiple dwelling of six or more units. In such a case, the city would not be able to require mitigation measures as the rental housing units would no longer exist.

This process, while somewhat cumbersome, would step around the requirements adopted by Council to preserve and enhance the city’s stock of rental housing.

Also, staff had intended to add the conditional use allowing a multiple dwelling of six or more dwelling units, subject to rental housing mitigation measures, to the RM-4 and RM-4N District Schedule as well as to the other RM and FM district schedules but the amending by-law did not reflect this addition.

DISCUSSION

Appendix A sets out amendments to the official development plan and zoning provisions regarding rate of change to define rental housing as that which exists on the site at the time of a development application or existed on the site up to 3 years in advance of submission of any development application for multiple dwellings with greater than five units. In staff’s opinion, this is a sufficient length of time to deter applicants who might try to avoid the mitigation measures approved by Council.

Appendix A also includes the change to the RM-4 and RM-4N Districts Schedule, which if approved, would add the necessary conditional use clause.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

The Director of the Housing Centre recommends that the text amendments outlined in this report be referred to Public Hearing, to close off a potential opening in the recently approved “rate of change” regulations, which are intended to preserve affordable rental housing, and to correct the omission of the conditional use from the RM-4 and RM-4N schedules.

Note: The by-laws will be generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Proposed Text Amendments to the “Official Development Plan Regarding Areas of Real Property in Certain RM, FM, and CD-1 Zoning Districts”:

Staff proposes adding the text in bold to the following provision:

- 2.4 Council’s policy regarding real property in the zoning districts is that development on any site of a multiple dwelling consisting of six or more dwelling units that requires the demolition or change of use or occupancy of a rental housing unit on that site, **or that would have required such demolition or change of use or occupancy had a person, during the 3 years preceding the date of application for a development permit for a multiple dwelling, not demolished one or more rental housing units or changed their use or occupancy,** and that exceeds a rate of change of 0% for the district in which the site is situate, is not permissible unless a housing agreement, satisfactory to Council, provides for the replacement of, or contribution to the replacement of, such rental housing units, on or off site, or the provision of another form of affordable housing.

Proposed Text Amendments to Various RM and FM Zoning District Schedules

Staff proposes deleting the strike-through text from, and adding the text in bold to, the following provision which occurs in the RM-2, RM-3, RM-3A, RM-4 and RM-4N, RM-5, RM-5A, RM-5B and RM-5C, RM-6, FM-1 zoning district schedules, and also to add the following provision, as herein amended, to the RM-4 and RM-4N District Schedule after the reference to “Multiple Conversion Dwelling”:

1.

- “• Multiple Dwelling consisting of six or more dwelling units if:
 - (a) its development does not require the demolition or change of use or occupancy of one or more rental housing units;
 - (b) its development requires the demolition or change of use or occupancy of one or more rental housing units but does not exceed a rate of change of 0% within this District; or
 - (c) its development requires the demolition or change of use or occupancy of one or more rental housing units, and exceeds the rate of change within the zoning district, and the registered owner of the site enters into a housing agreement with the city, under section 565.2 of the Vancouver Charter, in which the registered owner agrees with the city to:

- (i) include in the new development on the site that number of rental housing units which equals or exceeds the number of rental housing units ~~then existing~~ **requiring demolition or change of use or occupancy**, and to give the city security for the continued operation of such replacement rental housing units including a section 219 covenant for registration against title to the site, which housing agreement and security must be on terms and conditions satisfactory to Council, or
- (ii) provide rental housing units, or to contribute to the provision of rental housing units, in another manner or at another location, or to provide another form of affordable housing, and to give the city security for the continued operation of such replacement rental housing units or other form of affordable housing including a section 219 covenant for registration against title to the subject real property, which housing agreement and security must be on terms and conditions satisfactory to Council;

and, in this section 3.2.DW, all references to the demolition or change of use or occupancy of one or more rental housing units are to include then existing rental housing units and rental housing units that, during the 3 years preceding the date of application for a development permit for a multiple dwelling, a person has demolished or in respect of which has changed the use or occupancy.