

Zoning and Development By-law

Re: West End Community Plan, secured rental housing and social housing, and amendments to C-5 and C-6 Districts Schedule and RM-5, RM-5A, RM-5B and RM-5C Districts Schedule

Draft for Public Hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend Zoning and Development By-law No. 3575  
Regarding West End Community Plan, secured rental housing and  
social housing and C-5 and C-6 Districts Schedule and  
RM-5, RM-5A, RM-5B and RM-5C Districts Schedule**

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. This by-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plans marginally numbered Z-670 (a), Z-670 (b), and Z-670 (c), attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.
3. In section 2, Council:
  - (a) In the definition of "Rate of Change", Council strikes out "and RM-5C" and substitutes ", RM-5C and RM-5D,";
  - (b) repeals the definition of "Rental Housing Unit", and substitutes:

**"Rental Housing Unit**, for the purposes of section 3.3.6 of this by-law, and for the purposes of section 3.2.DW of the RM-2, RM-3, RM-3A District Schedules, the RM-4 and RM-4N Districts Schedule, the RM-6 District Schedule and the FM-1 District Schedule and for the purposes of section 3.2.DW of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, means a dwelling, housekeeping, or sleeping unit that is rented by a tenant, or has been rented by a tenant in the past, as living accommodation, but does not include a dwelling, housekeeping or sleeping unit rented by a not for profit housing cooperative to a member of the cooperative, or a dwelling, housekeeping or sleeping unit in a community care facility or group residence;"

(c) adds, in the appropriate alphabetical 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;” and

(d) adds, in the appropriate alphabetical order:

**“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.”

4. Council strikes out section 3.3.6. and substitutes:

“3.3.6 Despite anything to the contrary in this by-law, the Director of Planning or the Development Permit Board must not issue a development permit for a multiple dwelling with six or more dwelling units in the RM-2, RM-3, or RM-3A districts, the RM-4 and RM-4N districts, the RM-5, RM-5A, RM-5B, RM-5C and RM-5D districts, the RM-6 district, or the FM -1 district, unless the development permit is subject to conditions requiring the provision of a housing agreement which complies with the requirements of the applicable districts schedule or district schedule.”

5. In section 9.1:

(a) under the heading Multiple Dwelling, after “RM-5C” and before “RM-6”, Council adds “RM-5D”; and

(b) under the heading Commercial, after “C-5” and before “C-6”, Council add “C-5A”.

6. Council strikes out section 10.12.5 and substitutes:

“10.12.5 Except as provided in sections 10.12.6 and 10.12.7 of this By-law, where development necessitates demolition of a building listed in the Heritage Register as an “A” Evaluation Group heritage building and located in the RM-5, RM-5A, RM-5B, RM-5C and RM-5D districts or in the RM-6 district or DD district, a development permit shall not be issued for the new development unless the applicant has complied with the provisions of section 10.12.4, except that the Director of Planning may also require that the applicant submit a calculation of density bonus to the city, to the satisfaction of the Director of Planning, before a development permit may be issued.”

7. In the RM-5, RM-5A, RM-5B, and RM-5C Districts Schedule:

- (a) Council strikes out the words "percent" wherever they appear and substitutes "%";
- (b) Council strikes out the words "and RM-5C" where ever those words appear, and
- (i) if there is a comma preceding those words, substitutes "RM-5C and RM-5D", or
- (ii) if there is no comma preceding those words, substitutes ", RM-5C and RM-5D";
- (c) Council strikes out the second paragraph in section 1 and substitutes:
- "The RM-5 District also encourages developments suited to families with children. The RM-5C District permits a greater range of uses. The RM-5D District supports the development of social housing.";
- (d) in subsection 2.2.DW, Council strikes out "Infill.", "Multiple Dwelling consisting of five or fewer dwelling units.", "One-Family Dwelling." and "Two-Family Dwelling.";
- (e) in section 2.3:
- (i) in section 2.3.1, Council strikes out "commercial uses" and substitutes "uses other than dwelling uses", and
- (ii) after section 2.3.3, Council adds:
- "2.3.4 In the RM-5D District, the maximum allowable floor space ratio for all permitted uses other than dwelling uses is 0.65.";
- (f) in subsection 3.2.1.DW, in the appropriate alphabetical order, Council adds:
- "
- Infill.
  - Infill Multiple Dwelling, in accordance with section 5 of this schedule.
  - Multiple Dwelling, in accordance with section 5 of this schedule.
  - Multiple Dwelling, consisting of five or fewer dwelling units.
  - One-Family Dwelling.
  - Two-Family Dwelling.";
- (g) in subsection 3.2.1.DW, under the heading "Multiple Dwelling, consisting of six or more if:" Council:
- (i) strikes out "Multiple Dwelling" and substitutes "Multiple Dwelling, except as provided for in Section 5 of this schedule",
- (ii) strikes out subsection (b) and renames subsection (c) as subsection (b), and

- (iii) in the new subsection (b) strikes out “, and exceeds the rate of change within the zoning district,”;
- (h) in subsection 3.2.1.O, Council strikes out the words “has been designated as a Municipal Heritage Site” wherever they occur, and substitutes “is protected by a heritage designation by-law” in each case;
- (i) in subsection 3.2.1.R, Council strikes out the words “has been designated as a Municipal Heritage Site” and substitutes “is protected by a heritage designation by-law” in each case;
- (j) in subsection 3.2.1.S, Council strikes out the words “has been designated as a Municipal Heritage Site” and substitutes “is protected by a heritage designation by-law” in each case;
- (k) in subsection 3.2.2, Council strikes out the words “The uses listed in section 3.2.2 shall be permitted in the RM-5C District.”, and substitutes “Uses listed in this section may be permitted in the RM-5C and RM-5D districts subject to the provisions of this section.”;
- (l) in subsection 3.2.2.C, immediately after “Bowling Alley,”, “Club,”, “Fitness Centre,” and “Theatre,”, Council adds the words “only in the RM-5C district”;
- (m) in subsection 3.2.2.O, immediately after “Financial Institution,” Council adds the words “only in the RM-5C district”;
- (n) in subsection 3.2.2.R, immediately after the words “Grocery or Drug Store,” and “Small-scale Pharmacy,”, Council adds the words “only in the RM-5C district”;
- (o) in subsection 3.2.2.S:
  - (i) immediately after the words “Beauty and Wellness Centre”, Council strikes out “*but*”, and
  - (ii) immediately after the words “Animal Clinic,”, “Beauty and Wellness Centre”, “Hotel”, “Laundromat or Dry Cleaning Establishment”, “Print Shop”, “School-Arts or Self Improvement”, “School-Business”, “School-Vocational or Trade”, Council adds the words “only in the RM-5C district”;
- (p) in subsection 3.3.1, Council strikes out “All commercial uses listed in this section”, and substitutes “All uses other than dwelling uses listed in this section”;
- (q) after subsection 3.3.3, Council adds:
  - “3.3.4 In the RM-5D District, the maximum allowable floor space ratio for all permitted uses, other than dwelling uses, is 0.65.”;

(r) Council strikes out the title of section 4.7, and substitutes "Floor Area and Density";

(s) Council strikes out subsection 4.7.1, and substitutes:

"4.7.1 Floor space ratio shall not exceed 1.00 except that:

(a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to 1.5 in the RM-5 district, 2.20 in the RM-5A, RM-5C and RM-5D districts, and 2.75 in the RM-5B district if the Director of Planning or the Development Permit Board first considers:

(i) the intent of this schedule,

(ii) all applicable Council policies and guidelines,

(iii) the submission of any advisory group, property owner or tenant,

(iv) the height, bulk, location and overall design of the development, and

(v) the effect of the development on nearby sites, street and public open spaces; and

(b) despite the provisions of subsection 4.7.1(a), the floor space ratio for sites located in the RM-5A, RM-5B, RM-5C and RM-5D districts which are 20.2 m or less in width shall not exceed:

(i) 2.0 on corner sites with a minimum site area of 800 m<sup>2</sup>, and

(ii) 1.5 on all other sites.";

(t) in section 4.7.2:

(i) Council strikes out the words "computation of floor space ratio", and substitutes "computation of floor area";

(u) in section 4.7.3:

(i) Council strikes out the words "computation of floor space ratio", and substitutes "computation of floor area",

(ii) in subsection 4.7.3 (a), Council strikes out "eight percent" and substitutes "12%", and

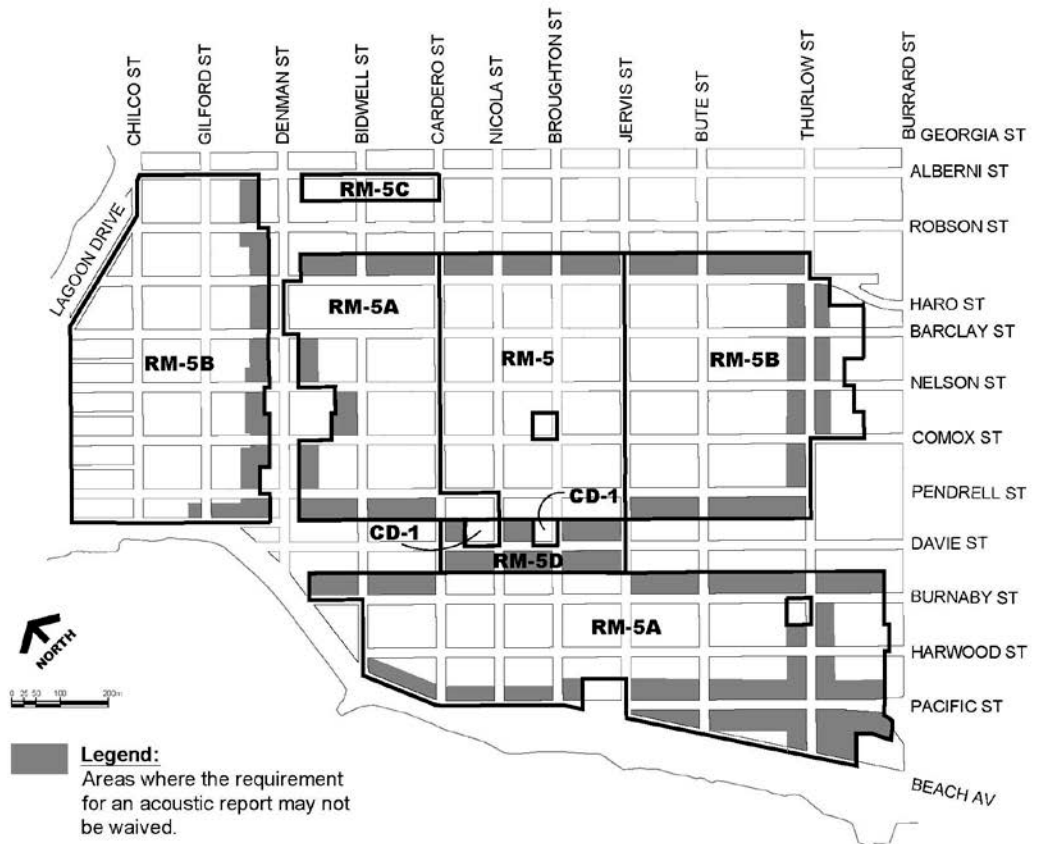
- (iii) in subsection 4.7.3 (d)(ii), Council strikes out “floor space” wherever it appears, and substitutes “floor area”;
- (v) Council strikes out sections 4.7.4, 4.7.6 and 4.7.7, renumbers section 4.7.5 as 4.7.4, and adds after renumbered 4.7.4;
- (w) Council strikes out 4.7.5 and 4.7.6, and substitutes:
- “4.7.5 The Director of Planning or the Development Permit Board may permit an increase in floor space ratio for a development which includes the restoration of an existing building, site, landmark or feature, if the existing building, site, landmark or feature is listed in the Vancouver Heritage Register, if Council first approves a heritage designation by-law, and if the Director of Planning or the Development Permit Board first considers:
- (a) all applicable Council policies and guidelines;
  - (b) the cost and extent of the heritage restoration;
  - (c) the value of the increased floor area; and
  - (d) the impact of the development upon neighbourhood livability and environmental quality.

4.7.6 The Development Permit Board may permit an increase above the permitted floor space ratio to a maximum of 10% where the increase results from a transfer of heritage floor area, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to subsection 4.7.5.

In this section “heritage floor area” means floor area which may be transferred from a heritage site to another site, in accordance with Council policies and guidelines.”;

- (x) Council strikes out Map 1 Noise Mitigation in section 4.15.2 and substitutes:

Map 1 Noise Mitigation



; and

- (y) at the end, Council adds:

**"Section 5 Relaxation of Regulations**

5.1 The Director of Planning or the Development Permit Board may relax the regulations in the RM-5D district regarding permitted floor space ratio for multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5D district schedule, and all applicable Council policies and guidelines, and:

- (a) a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing; and
- (b) the floor space ratio does not exceed 7.0.

5.2 The Director of Planning or the Development Permit Board may relax the regulations in the RM-5D district regarding permitted height for multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5D district schedule, and all applicable Council policies and guidelines, and:

- (a) a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing; and
- (b) the maximum height does not exceed 58 m.

5.3 The Director of Planning or the Development Permit Board may relax the regulations in sections 4.4, 4.5, 4.6, 4.7, 4.8, 4.10, and 4.17 of the RM-5, RM-5A and RM-5B districts for infill multiple dwelling, if the Director of Planning or the Development Permit Board first considers the intent of the RM-5, RM-5A and RM-5B districts schedule, and all applicable Council policies and guidelines, except that:

- (a) the infill multiple dwelling must be used for secured market rental housing;
- (b) in an infill multiple dwelling with four or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms;
- (c) in an infill multiple dwelling with ten or more dwelling units, at least 50% of the dwelling units must contain two or more bedrooms and at least 10% of the dwelling units must contain three or more bedrooms; and
- (d) existing buildings, landmarks or features on the site which are listed on the Vancouver Heritage Register or may have heritage value must be conserved, to the satisfaction of the Director of Planning."

8. In the C-5 and C-6 Districts Schedule:

- (a) Council strikes out the words "percent" wherever they appear and substitutes "%";
- (b) Council strikes out "C-5" wherever it appears and substitutes "C-5, C-5A", except that:
  - (i) in section 4.2.1, Council strikes out "C-5" and substitutes "C-5 and C-5A";
- (c) Council strikes out section 1 and substitutes:

**"1 Intent**

The intent of this Schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End and to provide for dwelling units in C-5A and



C-6 designed to be compatible with commercial uses. This schedule encourages external building design, the scale and function of which is oriented towards pedestrians. The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district because C-5A provides density bonuses for social housing and secured market rental housing. The C-6 district differs from the C-5 and C-5A Districts because the C-6 district provides a transition between the Downtown and the West End by permitting a greater density and scale than the C-5 and C-5A districts.”;

- (d) Council strikes out section 2.2.1 and substitutes:  
“2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5, C-5A and C-6 Districts.”;
- (e) Council strikes out section 2.2.1.DW;
- (f) Council strikes out section 2.2.2.DW;
- (g) in section 2.3.2, Council strikes out “C-5” and substitutes “C-5A and C-6”;
- (h) Council strikes out section 3.2.1 and substitutes:  
“3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5, C-5A and C-6 Districts.”;
- (i) Council strikes out section 3.2.1.DW;
- (j) in section 3.2.1.I, Council strikes out:  
“
  - Community Care Facility-Class B, subject to the provisions of section 11.17 of this By-law.
  - Group Residence, subject to the provisions of section 11.17 of the By-law.”;
- (k) in section 3.2.1.S., Council strikes out “Hotel existing as of September 30, 1986.” and substitutes:  
“
  - *Hotel, design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress”;*
- (l) Council strikes out section 3.2.2 and section 3.2.2.SV and substitutes:  
“3.2.2 The uses listed in section 3.2.2 shall be permitted in the C-5 District.

### 3.2.2. DW [Dwelling]

- Dwelling uses existing on or before *[date of enactment of by-law]*.
- Seniors Supportive or Assisted Housing, existing on or before *[date of enactment of by-law]*.

### 3.2.2.1 [Institutional]

- Community Care Facility - Class B, subject to the provisions of section 11.17 of this By-law, existing on or before *[date of enactment of by-law]*.
- Group Residence, subject to the provisions of section 11.17 of this By-law, existing on or before *[date of enactment of by-law]*.

3.2.3 The uses listed in section 3.2.3 may be permitted in the C-5A and C-6 Districts.

### 3.2.3. DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section, *compatibility with use*.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

### 3.2.3.1 [Institutional]

- Community Care Facility - Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.”;

(m) Council strikes out section 4.3.2 and substitutes:

“4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building, to a height not exceeding 64 m in the C-5A and C-6 districts and 18.3 m in the C-5 district, if the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and

- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

4.3.3 The Director of Planning or the Development Permit Board may permit a portion of a building in the C-5, C-5A and C-6 Districts to extend above the building envelope depicted in Figure 1 of section 4.3.1, if the building height does not exceed 18.3 m in the C-5 district and the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.”;

(n) Council strikes out the title of section 4.7, and substitutes “Floor Area and Density”;

(o) Council strikes out sections 4.7.1.1 and 4.7.1.2 and substitutes:

“4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that for a hotel existing on or before *[date of enactment of by-law]*, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section.

4.7.1.2 The Director of Planning may permit an increase in permitted floor area for a hotel existing on September 30, 1986, to a maximum of 5% additional floor area, if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities”;

(p) in section 4.7.2, Council strikes out “The following shall be included in the computation of floor space ratio:” and substitutes “Computation of floor area shall include:”;

(q) in section 4.7.3, Council strikes out “The following shall be excluded in the computation of floor space ratio:” and substitutes “Computation of floor area shall exclude:”;

(r) in subsection 4.7.3 (a), Council strikes out “ eight percent” and substitutes “12%”;

(s) in subsection 4.7.3 (c), Council strikes out “for the purpose of exclusion from floor space ratio computation”;

- (t) in section 4.7.4, Council strikes out “The Director of Planning may permit the following to be excluded in the computation of floor space ratio:” and substitutes “Computation of floor area may exclude:”; and
- (u) Council strikes out subsection 4.7.4 (a) and renames 4.7.4 (b) and 4.7.4 (c) as 4.7.4 (a) and 4.7.4 (b) respectively; and
- (v) after section 5.1, Council adds:
  - “5.2 The Director of Planning or the Development Permit Board may relax the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:
    - (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
    - (b) the floor space ratio for non residential uses in the C-6 district must be no less than 1.2; and
    - (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing.
  - 5.3 The Director of Planning or the Development Permit Board may relax the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and:
    - (a) the maximum height does not exceed 91.4 m.; and
    - (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.”

### Severability

- 9. 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.

**Force and Effect**

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

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk


DRAFT

**Schedule A**

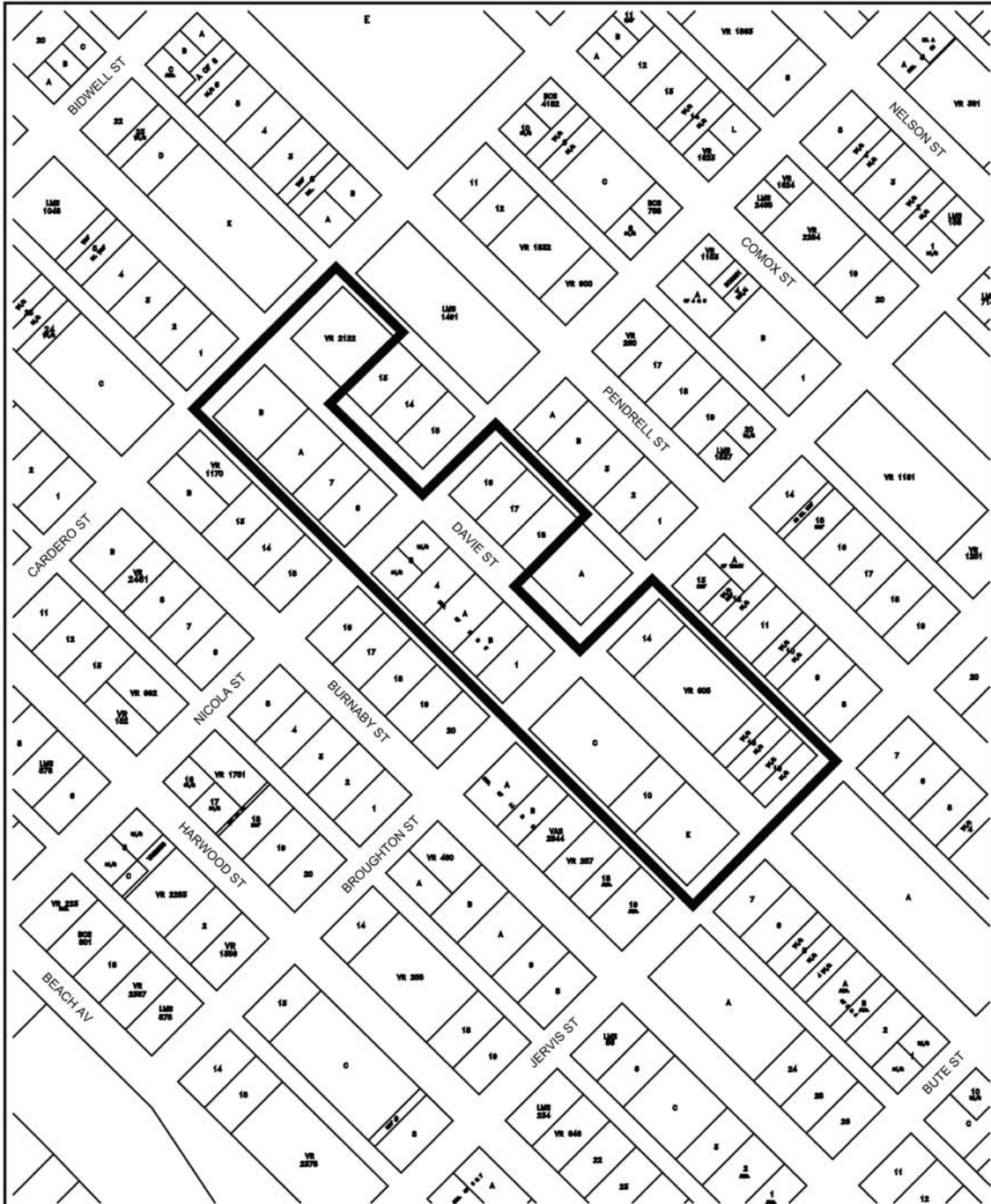


The properties outlined in black (  ) are rezoned:  
From **C-5** to **C-5A**

**Z-670 (a)**

RZ - West End		map: 1 of 1	
		scale: NTS	
<b>City of Vancouver</b>		date: 2013-08-14	

**Schedule A**



The properties outlined in black ( **█** ) are rezoned:  
 From **RM-5 & RM-5A** to **RM-5D**

**Z-670 (b)**

RZ - West End

map: 1 of 1

scale: NTS



**City of Vancouver**

date: 2013-08-13

**Schedule A**



The properties outlined in black ( **█** ) are rezoned:  
 From **C-5** to **C-5A**

**Z-670 (c)**

RZ - West End

map: 1 of 1

scale: NTS



**City of Vancouver**

date: 2013-10-21