

BY-LAW NO. _____

A By-law to amend Downtown
Eastside Oppenheimer Official Development Plan By-law No. 5532

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 the Preamble, Council strikes out the second paragraph and substitutes:

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

3. In Section 1 **Application and Intent**:

In Section 1.1, Council:

(a) at the end of the first paragraph, adds "(1982) and as part of the **Downtown Eastside Local Area Plan** (*insert year of adoption*)";

(b) strikes out "Commercial Uses " and substitutes:

"Commercial Uses

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

(c) at the end, adds:

"Aboriginal Community

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

4. In Section 2 Definitions, Council:

- (a) re numbers sections 2.4, 2.5 and 2.6 as 2.5, 2.6 and 2.8;
- (b) strikes out the definition of "Social Housing" and substitutes:

"2.8 "Social Housing" means rental housing:

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

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

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

freehold or leasehold title, with such priority of registration as the city may require.”; and

- (c) adds the following definitions in the appropriate alphabetical and numerical order:

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

2.7 **“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.”

5. In section 4.2 Uses, at the end, Council:

- (a) renames paragraph “(e)”, “(f)”, “(g)”, “(h)” and “(i)” as “(f)”, “(g)”, “(h)”, “(i)” and “(j)””; and
- (b) after paragraph “(d)” adds “(e) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.”

6. 4.5 Density:

- (a) Council strikes out section 4.5.5;
- (b) Council re-numbers sections 4.5.2, 4.5.3, and 4.5.4 as 4.5.3, 4.5.4 and 4.5.5;
- (c) Council strikes out section 4.5.1 and substitutes:

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

- (a) to a maximum floor space ratio of 5.0, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
- (b) to a maximum floor space ratio of 7.0 on corner sites if:
- (i) at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60%

- of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental,
- (ii) the corner site has a frontage no greater than 30.5 m, and
- (iii) the Development Permit Board first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas.

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

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

7. In re-numbered sections 4.5.3 and 4.5.4, Council strikes out "floor space ratio" and substitutes "floor area".

8. In re-numbered section 4.5.5, Council strikes out "Floor space" and substitutes "Floor area excluded pursuant to sections 4.5.3 and 4.5.4".

9. Council strikes out the second paragraph of section 4.6.1, and substitutes:

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

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

10. In section 5.2 Uses, at the end, Council:
- (a) renames paragraph "(b)", "(c)", "(d)" and "(e)" as "(c)", "(d)", "(e)" and "(f)"; and
 - (b) after paragraph "(a)" adds "(b) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law."
11. In section 5.5 Density:
- (a) Council re-numbers sections 5.5.2 and 5.5.3 as 5.5.3 and 5.5.4.;
 - (b) Council strikes out section 5.5.1 and substitutes:
 - "5.5.1 Subject to the provisions of subsection 5.5.2, the maximum density for any development shall be a floor space ratio of 1.0, except that the Development Permit Board may permit an increase in the maximum density:
 - (a) to a maximum floor space ratio of 2.5, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
 - (b) to a maximum floor space ratio of 4.5 if:
 - (i) the site has a frontage no greater than 45.7 m,
 - (ii) all residential units are social housing, and
 - (iii) the Development Permit Board first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;
- 5.5.2 Despite the provisions of subsection 5.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses and accessory uses, if:
 - (a) the uses are existing as of [date of enactment];
 - (b) the uses are located on a site existing as of [date of enactment];and

(c) there is no conversion of existing residential floor area.”

12. In re-numbered section 5.5.3, Council:

(a) strikes out “floor space ratio” and substitutes “floor area”; and

(b) strikes out paragraph (e) and substitutes:

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

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

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

13. In re-numbered section 5.5.4 Council strikes out “floor space ratio” and substitutes “floor area”.

14. After re-numbered section 5.5.4., Council adds:

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

15. Council strikes out the second paragraph of section 5.6.1, and substitutes:

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

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

16. In Section 6, Council strikes out the words "Japanese Village" wherever they appear and substitutes "Japantown".

17. In Section 6.1, Council:

- (a) at the end of the first paragraph , strikes out "." and adds "of the Downtown Eastside Oppenheimer area.";
- (b) in the second paragraph strikes out "core of" and substitutes "heart of historic"; and
- (c) in the second paragraph strikes out "character area".

18. In section 6.2 Uses Council:

- (a) renames paragraphs "(e)", "(f)", "(g)" and "(h)" as "(f)", "(g)", "(h)" and "(i)"; and
- (b) after paragraph "(d)" adds "(e) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law."

19. In section 6.5 Density:

- (a) Council re-numbers sections 6.5.2 and 6.5.3 as 6.5.3 and 6.5.4.;
- (b) Council strikes out section 6.5.1 and substitutes:

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

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

the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

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

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

20. In re-numbered section 6.5.3, Council:

- (a) strikes out "floor space ratio" and substitutes "floor area"; and
- (b) strikes out paragraph (e) and substitutes:

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

- (i) up to 51 mm in exterior walls that fall under Part 9 of the Building By-law, which provide RSI 2.88 (R-16) thermal insulation,
 - (ii) up to 333 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) thermal insulation,
 - (iii) up to 533 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) of thermal insulation as verified by a Registered Professional, and
 - (iv) up to 127 mm in exterior walls that fall under Part 3 of the Building By-law, which provide RSI 2.65 (R-15) thermal insulation in the overall wall surface as verified by a Registered Professional,
- except that this section is not to apply to exterior walls in existence before May 31, 2011."

21. In re-numbered section 6.5.4 Council strikes out "floor space ratio" and substitutes "floor area".

22. After re-numbered section 6.5.4., Council adds:

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

23. Council strikes out the second paragraph of section 6.6.1, and substitutes:

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

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

24. In section 7.2 Uses Council:

- (a) renames paragraphs "(d)", "(e)", "(f)", "(g)", "(h)" and "(i)" as "(e)", "(f)", "(g)", "(h)", "(i)" and "(j)"; and
- (b) after paragraph "(c)" adds "(d) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law."

25. In section 7.5 Density:

- (a) Council re-numbers sections 7.5.2 and 7.5.3 as 7.5.3 and 7.5.4.;
- (b) Council strikes out section 7.5.1 and substitutes:

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

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

strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

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

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

26. In re-numbered section 7.5.3, Council:

- (a) strikes out "floor space ratio" and substitutes "floor area"; and
- (b) at the end of paragraph (d) strikes out "." and substitutes ";and" and then adds:
 - "(e) the area of exterior walls that exceeds 152 mm to a maximum exclusion of 152 mm, as recommended by a Building Envelope Professional to control building envelope leaks, and:
 - (i) up to 51 mm in exterior walls that fall under Part 9 of the Building By-law, which provide RSI 2.88 (R-16) thermal insulation,
 - (ii) up to 333 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) thermal insulation,
 - (iii) up to 533 mm in exterior walls that fall under Part 9 of the Building By-law, which provide greater than effective RSI 3.85 (R-22) of thermal insulation as verified by a Registered Professional, and
 - (iv) up to 127 mm in exterior walls that fall under Part 3 of the Building By-law, which provide RSI 2.65 (R-15) thermal insulation in the overall wall surface as verified by a Registered Professional,except that this section is not to apply to exterior walls in existence before May 31, 2011."

27. In re-numbered section 7.5.4 Council strikes out "floor space ratio" and substitutes "floor area".

28. After re-numbered section 7.5.4., Council adds:

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

29. Council strikes out the second paragraph of section 7.6.1, and substitutes:

"The Development Permit Board may permit an increase in the maximum height of a building to a maximum of 22.8 m if:

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

30. 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.

31. 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