



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: April 15, 2014
Contact: Jane Pickering
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VanRIMS No.: 08-2000-20
Meeting Date: May 13, 2014

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: Miscellaneous Amendments to the Zoning and Development By-law

RECOMMENDATION

THAT the General Manager of Planning and Development Services be instructed to make application to amend the Zoning and Development By-law and make housekeeping amendments generally as presented in Appendix A, to:

- (i) Insert "local eggs" into the definition of "Farmers' Market" in Section 2 and into the regulations for farmers markets in Section 11.21;
- (ii) add a clause in Section 3 so that the Director of Planning must relax minimum site width provisions in the RS-1, RS-5 and RS-6 district schedules to permit construction of a one-family dwelling on an existing lot which on record at the Land Title Office if the use was previously approved under issued development or building permits;
- (iii) amend the IC-1 and IC-2 District Schedule to add "parks and playground" as a permitted use;
- (iv) amend the M-2 District Schedule, Section 4.7.1 (c) to delete the phrase referring to lots on record in the Land title Office for Vancouver prior to November 21, 1989;
- (v) amend MC-1 and MC-2, IC-1 and IC-2, IC-3, I-1, I-2, I-3 Districts Schedules, Section 4.7.3 (b) to delete the phrase "for residential purposes only";
- (vi) Amend the C-3A District Schedule, Section 4.7.5 to delete the clause..."for sites located west of Main Street, north of 16th Avenue and east of Burrard Street..."; and
- (vii) Amend the C-3A, C-5, C-5A and C-6 Districts Schedules, Section 4.7.5 to modernize and clarify the reference to heritage density transfers.

FURTHER THAT the application be referred to a Public Hearing;

AND 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 the Public Hearing.

REPORT SUMMARY

This report recommends miscellaneous amendments to the Zoning and Development By-law to: 1) provide for “local eggs” to be sold at farmers’ markets; 2) allow for Director of Planning authority to relax provisions of minimum lot width in the RS-1, RS-5 and RS-6 districts so that owners do not have to go to the Board of Variance for approvals; 3) insert park and playground uses in the IC-1 and IC-2 district schedule to allow for a future park use; 4) delete a clause in the M-2 district in regard to maximum floor area for office use for lots existing prior to 1989; 5) permit floor area exclusions for roof areas in industrial buildings; and to, 6) amend the C-3A schedule so as to expand the area on the Broadway corridor that will be eligible to receive heritage density. Together, the proposed amendments will provide greater clarity and consistency in the development review process and provide more certainty for property owners.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- In 2010, an amendment to the Zoning and Development By-law to allow farmers’ markets in all districts.
- An amendment to the Zoning and Development By-law to introduce a 7.3 metre minimum lot width in RS-1 (and carried over to the RS-5 and RS-6 when these districts were created).
- 2011, Council approved Vancouver’s Housing and Homelessness Strategy.
- 2012, Council received the final report of the Mayor’s Task Force on Housing Affordability: Bold Ideas Towards an Affordable City.
- Various amendments to Industrial districts to limit floor area for general office use.
- Various amendments to the Zoning and Development By-law in residential, commercial and industrial districts regarding floor area exclusions for roof areas, patios, balconies and roof decks for residential purposes only.
- In September 2013, Council approved a number of actions to facilitate the absorption of density in the Heritage Amenity Density Bank, including expanding the area along the Central Broadway corridor in which lands are eligible to receive density.

CITY MANAGER’S/GENERAL MANAGER’S COMMENTS

The 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 are required in order to improve clarity, update or omit redundant terminology, and streamline the development approval process. By-law amendments that are substantive in nature are not included in these packages, but are reported separately.

Strategic Analysis

1. Permit the sale of local eggs in Farmers' Markets

It is proposed to insert the words "local eggs" into the definition and the regulations for farmer's markets in Section 2 and Section 11 of the Zoning and Development By-law. The addition will make it clear to market vendors and customers that local eggs are permitted to be sold at farmers' markets. This is consistent to the approach taken with other permitted products sold at farmers' markets (e.g., local fruit and vegetables, local dairy products).

2. "Thin Houses" on "Narrow Lots" - Director of Planning Authority to Relax Minimum Lot Width in RS-1, RS-5 and RS-6

Background

For the purposes of this report, a narrow lot means any lot less than 7.3 metres in width. There are an estimated 500 such lots in the City of Vancouver. The majority of these lots are 5 metres in width. The reason for this is that at one time, the Registrar at the Land Titles Office allowed property owners to purchase a half of a vacant 10 metre wide lot in conjunction with an adjacent owner. The narrow lots were used by owners to increase side yards and/or construct a larger house. The majority of the narrow lots which are 5 metres in width are developed with buildings straddling across one or more of the lots. In the case of lots that are wider than 5 metres but less than 7.3 metres in width, the existing houses on them are often older, constructed in the 1920s and 1930s.

In the late seventies, single family home construction was permitted on 5 metre wide lots. By 1989, there were forty-four "thin houses" constructed in the RS-1 district (see examples in Appendix B). An estimated fifteen additional "thin houses" were constructed in other RS and RT districts.

In 1989, due to neighbourhood concerns, Council determined that thin houses were incompatible with standard single family homes. At that time, Council amended the Zoning and Development By-law and added a 7.3 metre minimum lot width to the RS-1. When this amendment was enacted, the Director of Planning was given no authority to relax the minimum lot width. The only recourse for a property owner who wished to construct on a lot which was less than 7.3 metres wide was to seek approval from the Board of Variance. The same amendment was made to the RS-5 and RS-6 districts schedules.

Concerns of "thin house" owners

As a result of the amendment, these narrow lots cannot meet the minimum lot width provision in the Zoning and Development By-law without a successful appeal to the Board of Variance. In the last year, staff have received a number of calls from owners and potential buyers of "thin houses" expressing concern about whether or not their home could be reconstructed in the event of a fire because the outcome of an appeal to the Board of Variance is by no means certain. Owners and potential purchasers also expressed concerns about paying higher insurance premiums on these legally nonconforming "thin houses", difficulties of resale, and difficulties related to mortgage insurance and disclosure requirements. Staff also note that some of the potential buyer's mentioned that their interest in purchasing a "thin house" was because they were a more affordable option compared to single family homes on regular size lots.

In order to mitigate this situation, it is proposed to add a clause in Section 3 of the Zoning and Development By-law to provide that the Director of Planning must relax minimum site width provisions in the RS-1, RS-5 and RS-6 districts for narrow properties which have or have had a thin house constructed on them.

The amendment will provide owners and potential buyers with certainty in regards to obtaining City approval for reconstruction of homes damaged or destroyed by fire or for repair of older thin homes in poor condition. The amendment will not only help resolve potential insurance issues and other concerns, but it will provide a more affordable option to single family home ownership and aligns with Council's housing affordability initiatives.

3. Allow Parks Use in IC-1 and IC-2 Districts

The proposal is to insert parks and playground use in the IC-1 and IC-2 district schedule to allow for an existing park site currently being developed by the Parks Board. It is located on the north west corner of Fir Street and West 6th Avenue (see Appendix D).

4. Section 4.7.1 (c) in M-2 District (Maximum Floor Area for General Office)

One of the tools the City uses to maintain its industrial areas for primarily industrial uses is to limit the amount of floor area that can be used for non-industrial uses such as office use while still meeting the needs of industry. The clause (shown below in italics) that relates to limitations for office space has caused some confusion.

- The floor area in general office use shall not exceed 235 m² or 25 percent of the total gross floor area of all principal and accessory uses combined, whichever is greater, *except that floor area in general office use exceeding 25 percent of total gross floor area shall be permitted only on lots on record in the Land Title Office for Vancouver prior to November 21, 1989.*

It is proposed to delete the clause in italics and permit all properties in M-2 to have general office up to the greater of 25% or 235 square metres. The majority of properties in M-2 existed prior to 1989 and thus would have the advantage of whatever formula provides the maximum office space (25% of the total gross floor area or 235m²). The amendment will create a very minimal change in the number of properties that can have the greater of 25% or 235 m² of office space in the M-2 zone and will provide alignment with the I-2 zone. (Appendix E illustrates the M-2 Zone.)

5. Section 4.7.3 (b) Allow Floor Area Exclusions for Roof Decks for Non-residential purposes)

There is provision to allow floor space exclusions for roof areas for residential purposes in residential, commercial (including mixed use commercial) and in some industrial district schedules (Note: The industrial district schedules that permit floor space exclusions for roof areas for residential purposes are MC-1 and MC-2 mixed use, IC-1 and IC-2, IC-3 mixed use, I-1, I-2, and I-3. The M-1, M-1A, M-1B, M-2 districts schedules do not currently include the section 4.7.3 (b) provision.) . Since the provision limits the floor area exclusion to “residential purposes only”, it does not allow the exclusion to be employed for industrial buildings in industrial zones for the use of employees.

It is proposed to remove the restrictive wording “for residential purposes only” therefore allowing the exclusion to be employed for employees use in industrial buildings. Roof areas provide a valuable amenity for employees and provided that roof design and the effects of privacy and overlook on adjacent developments are addressed, staff see no associated negative impacts on adjacent land uses.

6. Section 4.7.5 in C-3A District (Transfer of Heritage Density)

It is proposed to amend section 4.7.5 in the C-3A District to delete a clause that refers to a floor area increase for sites located west of Main Street, north of 16th Avenue and East of Burrard Street (Appendix F for C-3A area).

On September 25, 2013, Council approved a number of actions to facilitate the absorption of density in the Heritage Amenity Density Bank. One of these actions was to amend the Transfer of Density Policy and Procedure to expand the area along the Central Broadway corridor in which lands are eligible to receive heritage density as a condition of the Development Permit Board increasing the permitted floor space by up to 10 per cent, to include all C-3A zoned sites in the City. The proposed amendment to section 4.7.5 of the C-3A district will make it consistent with Council’s direction.

At the same time, section 4.7.5 has been reworded in C-5, C-5A and C-6 districts schedules to clarify that “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

7. Housekeeping amendments

It is proposed to eliminate the word “sundeck” where it is used in conjunction with the word “balcony” in various clauses in district schedules because these terms refer to the same thing. To update terminology, it is proposed to substitute the phrase: “roof deck” for “roof garden”; “landscape treatments” for “sunroofs and walls”.

Financial Implications

There are no financial implications.

CONCLUSION

This report proposes miscellaneous amendments that will, if approved, improve clarity, reduce redundancy, streamline the development approval process, ensure consistency with Council’s previous directions and provide more certainty for property owners.

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Miscellaneous Amendments to
Zoning & Development By-law regulations
and to various district schedules

Draft for Public Hearing

BY-LAW NO. _____

**A By-law to amend
Zoning and Development By-law No. 3575
Regarding Regulations and Districts Schedules**

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

Zoning District Plan Amendment

1. This By-law amends the indicated provisions of By-law No. 3575.
2. In section 2, under "Retail Uses" , Council strikes out the definition of "Farmers' Market" and substitutes:

"Farmers' Market, means an open air or fully or partly covered market, for the sale directly by the producers or by their representatives who are involved in production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared foods, local ready-to-eat foods and local artisan crafts.

3. In section 3, Council:

(a) re-numbers section 3.2.8 as section 3.2.9; and

(b) inserts, after section 3.2.7:

"3.2.8 The Director of Planning must relax the provisions in regards to minimum site width in the RS-1, RS-5, and RS-6 district schedules to permit the construction of a one-family dwelling on an existing lot which is on record in the Land Title Office as of *[date of enactment of by-law]* if the use was previously approved under issued development or building permits."

4. In section 11, Council strikes out section 11.21.4 and substitutes:

"11.21.4 A vendor at a Farmers' Market must only sell local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared foods, local ready-to-eat foods and local artisan crafts."

5. In section 3.2.C of the IC-1 and IC-2 district schedule, in the appropriate alphabetical order, Council adds:
 - “
 - Parks and Playground”
6. Council strikes out section 4.7.1 (c) of the M-2 district schedule and substitutes:
 - “(c) the floor area in general office use shall not exceed 235 m² or 25 percent of the total gross floor area of all principal and accessory uses combined, whichever is greater;”
7. In section 4.7.3 (a) of the MC-1 and MC-2, M-1, M-1A, M-1B, M-2, IC-1 and IC-2, IC-3, I-1, I-2, I-3, C-1, C-2, C-2B, C-2C, C-3A, C-5 and C-6, C-7 and C-8, and FC-1 district schedules, Council strikes out the words “or sundecks”.
8. Council strikes out section 4.7.3 (b) of the MC-1 and MC-2, IC-1 and IC-2, IC-3, I-1, I-2 and I-3 district schedules and substitutes:
 - “(b) roof decks if the Director of Planning first considers:
 - (a) the design of landscape treatments;
 - (b) the effect on privacy and overlook; and
 - (c) all applicable Council policies and guidelines.”
9. In section 4.7.3 of the M-1, M-2, M-1A and M-1B district schedules, Council:
 - (a) renames paragraphs (b), (c), (d), (e) and (f) as (c), (d), (e), (f) and (g) respectively; and
 - (b) after paragraph (a) inserts:
 - “(b) roof decks, if the Director of Planning first considers:
 - (a) the design of landscape treatments;
 - (b) the effect on privacy and overlook; and
 - (c) all applicable Council policies and guidelines.”
10. Council strikes out section 4.7.5 of the C-3A district schedule and substitutes:

“4.7.5 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density.

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of

the designated heritage property to another site in accordance with Council's Transfer of Density Policy and Procedure."

11. Council strikes out section 4.7.5 of the C-5, C-5A and C-6 districts schedule and substitutes:

"4.7.5 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this increase shall not apply to a hotel where the floor area has already been increased pursuant to section 4.7.1.2.

For the purposes of this section "heritage density" means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council's Transfer of Density Policy and Procedure."

Severability

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 this By-law.

Force and effect

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

ENACTED by Council this _____ day of _____, 2014

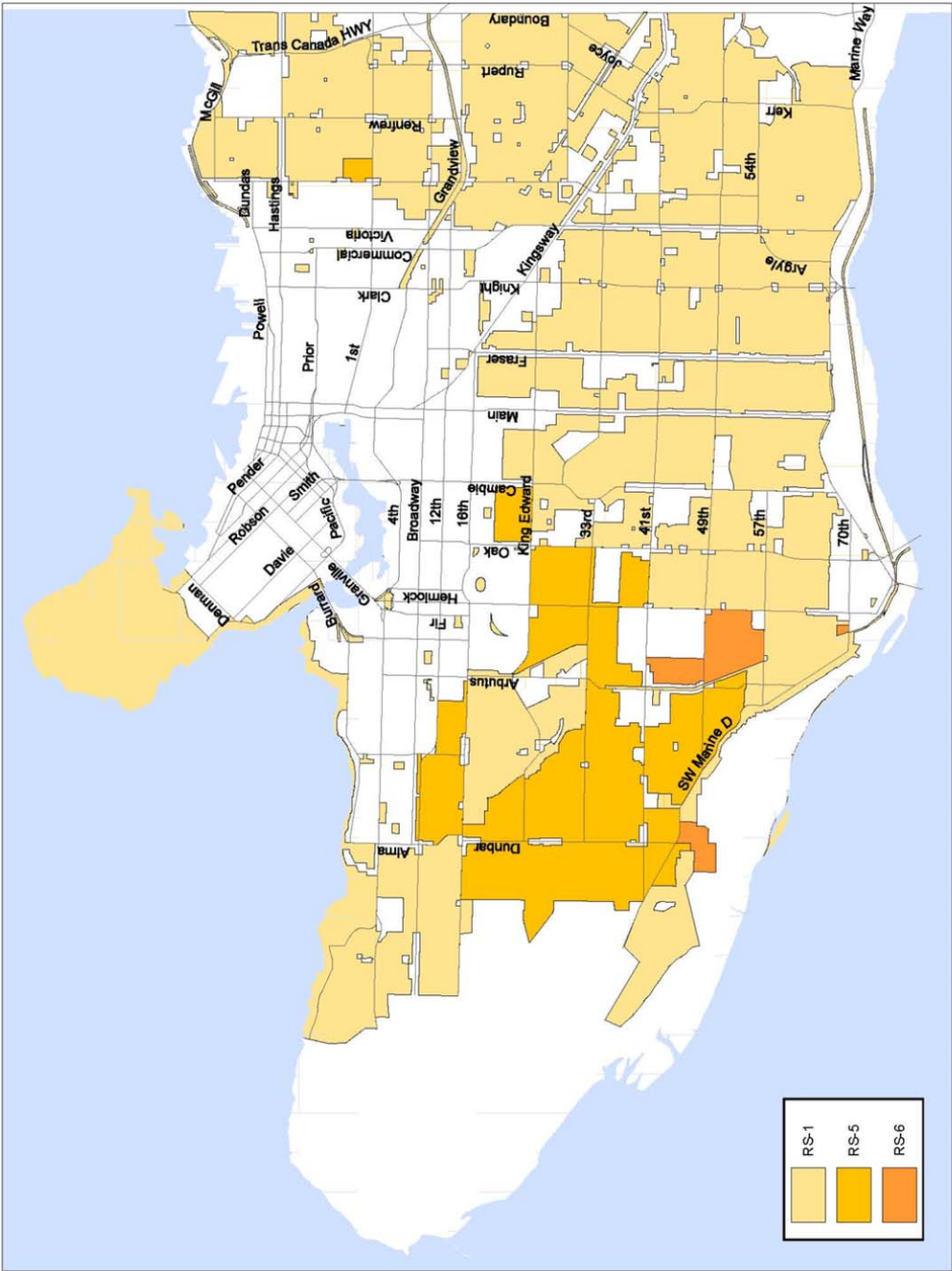
Mayor

City Clerk

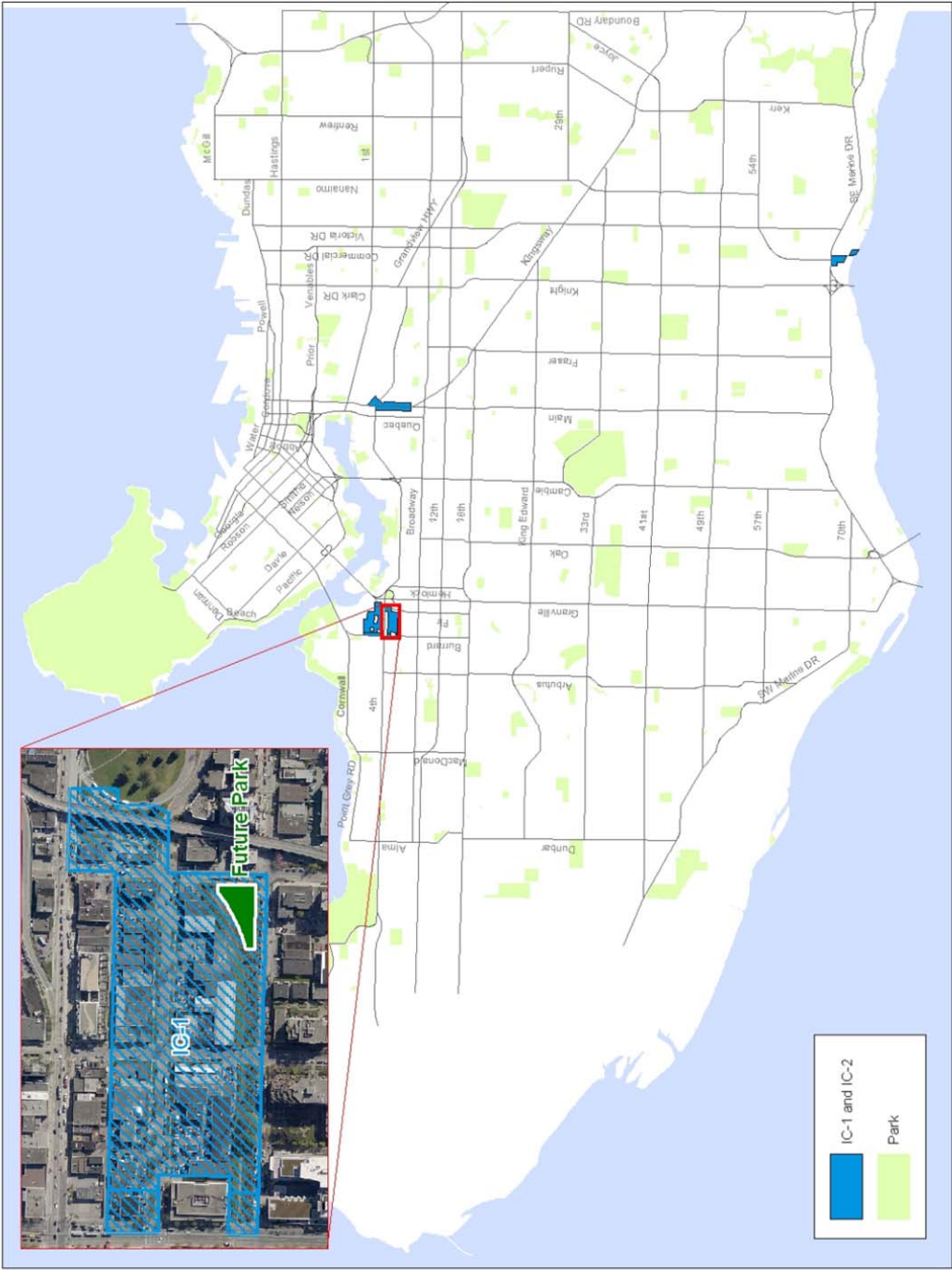
EXAMPLES OF "THIN HOUSES" in RS-1 and RS-5



RS-1, RS-5 and RS-6 Areas



IC-1 and IC-2 with future park location at Fir and 6th



M-2 District



C-3A District

