



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: February 23, 2015  
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Meeting Date: March 3, 2015

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services

SUBJECT: Proposed Amendments to the Downtown Official Development Plan (DODP) including new housing definitions applicable to all areas within the DODP and including amendments to implement the West End and Downtown Eastside plans

*INTRODUCTION*

The recent BC Supreme Court decision relating to the two developments at 508 Helmcken Street and 1099 Richards Street (Brenhill project) requires that the City address a number of process issues. One issue that arose in the decision was the process of amending the Downtown Official Development Plan (DODP) which is the governing regulatory framework for much of the Downtown, including Downtown South.

The amendments to the DODP were brought forward in February 2014 in response to the West End Plan, however, some of the amendments would also impact Downtown South, the location of the two developments which were the subject of the Court ruling.

The Court's decision identified issues with the process used to notify the public of the proposed amendments to the DODP. Although the amendments were in response to the West End Plan, the Court found that the notification advertisements did not clearly identify all affected areas of the DODP (in particular residents of Downtown South) and therefore those living or working outside of the West End would not have had the opportunity to provide input, both prior to and at the Public Hearing, to Council.

While not the subject of the Court ruling, the Downtown Eastside Plan also triggered changes to the DODP in April 2014. The notification process for those amendments was similar in approach to the notifications for the February 2014 amendments to the DODP and staff are proposing that those amendments should be repealed and reconsidered as part of our response to the issues raised in the Court ruling.

## ***RECOMMENDATION***

The General Manager of Planning and Development Services recommends that the DODP amendments from the West End and Downtown Eastside plans be referred once again to Public Hearing accompanied by an enhanced neighbourhood notification; and more specifically,

THAT the General Manager of Planning and Development Services be instructed to:

- I. make application to repeal amendments to the Downtown Official Development Plan (the "DODP") by By-law 10929 made by Council as part of the implementation of the Downtown Eastside Plan, noting that the amendments to the DODP by By-law 10865 made by Council as part of the implementation of the West End Plan have already been quashed by the Court ruling; and
- II. make application to amend the Downtown Official Development Plan to advance the objectives of the West End and Downtown Eastside plans as described in this report, generally in accordance with Appendix A;

FURTHER THAT the application and by-law be referred to a Public Hearing; and

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-law for consideration at Public Hearing.

## ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

- Downtown Official Development Plan (1975, last amended 2014)
- Downtown Eastside Plan (March 15, 2014) and amendments to the Downtown Official Development Plan (April 29, 2014) (By-law 10929)
- West End Community Plan (November 20, 2013) and amendments to the Downtown Official Development Plan (February 4, 2014) (By-law 10865)
- Housing and Homelessness Strategy (2011)
- Healthy City Strategy (2014)

## ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

This report responds to the decision of the Court which found process inadequacies in the City's notification of the Public Hearing during the process of amending the DODP in response to the West End Plan. This report restarts the process to address and correct these issues and also takes a proactive step to address similar issues which were inherent in the public notification process during the amendment of the DODP in response to the DTES Plan in April 2014.

The changes to the Downtown Official Development Plan (DODP) that are proposed in this report align with a number of broader City objectives. Most notably, the amendments update definitions related to housing and facilitate the creation of new social and secured market rental housing. City Council has made it clear that solving homelessness and achieving a

higher level of housing affordability is a priority and has continued to direct staff to ensure that all levels of affordability are addressed through Council approved plans such as the Housing and Homelessness Strategy, Healthy City Strategy, community plans, as well as in other plans, strategies, and actions. Implementation of these plans is underway and progress is being made.

The General Manager of Planning and Development Services recommends APPROVAL of the recommendations.

## **REPORT**

### ***Background/Context***

This report brings forward amendments to the DODP related to the West End and Downtown Eastside plans, respectively. These amendments were previously considered at Public Hearings and approved by Council in February and April of 2014, respectively, resulting in two separate by-laws:

1. By-law 10865, brought forward as part of the implementation of the West End Plan and enacted on February 4, 2014, included amendments to the DODP that:
  - changed the land use provisions for “Robson Village” to remove residential from the zoning and allow for increased commercial density;
  - added “social housing” as a use eligible for bonus density; and
  - eliminated the need for City Council approval of bonus density for social housing, prior to the City issuing a development permit and following the approval of the Development Permit Board. The intent of this amendment was to expedite and reduce the cost of approvals for developments for new social housing projects.
  
2. By-law 10929, brought forward as part of the Downtown Eastside (DTES) Plan and enacted on April 29, 2014, included amendments to the DODP that:
  - removed the term “low cost housing” which is an outdated term no longer used in the affordable housing sector;
  - added “micro dwellings” as a permitted use in Victory Square;
  - added new definitions of “social housing” and “secured market rental housing” to update the definitions and bring them into alignment with other by-laws in the City’s regulatory framework for affordable housing ; and
  - incorporated height and density incentives in Victory Square consistent with the Downtown Eastside Plan.

In 2014, By-law 10865, approved as part of the implementation of the West End Plan was part of a legal challenge to the rezoning of 508 Helmcken Street and the development permit for 1099 Richards Street (both located in Downtown South). The decision of the Development Permit Board (DP Board) on August 12<sup>th</sup>, 2013 to increase the density permitted at 1099 Richards Street was based on the authority of the DP Board as set out in Section 3.13 of the DODP. This decision for increased density also required the approval of Council prior to issuance of the development permit.

The petitioner argued that the public hearing notification process for the DODP amendments resulting from the West End Plan was not sufficient. On January 27, 2015 the Court supported this contention and held that the legal notices did not make it clear that amendments to the DODP would affect areas outside the West End, including areas also within the DODP boundary such as Downtown South. As a result, the Court quashed these DODP amendments, and By-law 10865 is no longer in force.

On reviewing the Court decision, staff identified that the public hearing notification for changes to the DODP resulting from the Downtown Eastside Plan implementation (By-law 10929) were undertaken in a similar manner to those associated with the West End Plan. Although not part of the legal challenge, in the interests of reflecting the intent of the Court ruling, staff recommend these changes (By-law 10929) also be repealed and the process for amending be restarted. This will allow Council to consider the proposed amendments to the DODP resulting from recommendations of both the West End Plan and the Downtown Eastside Plan at a new Public Hearing following a robust and comprehensive public notification process.

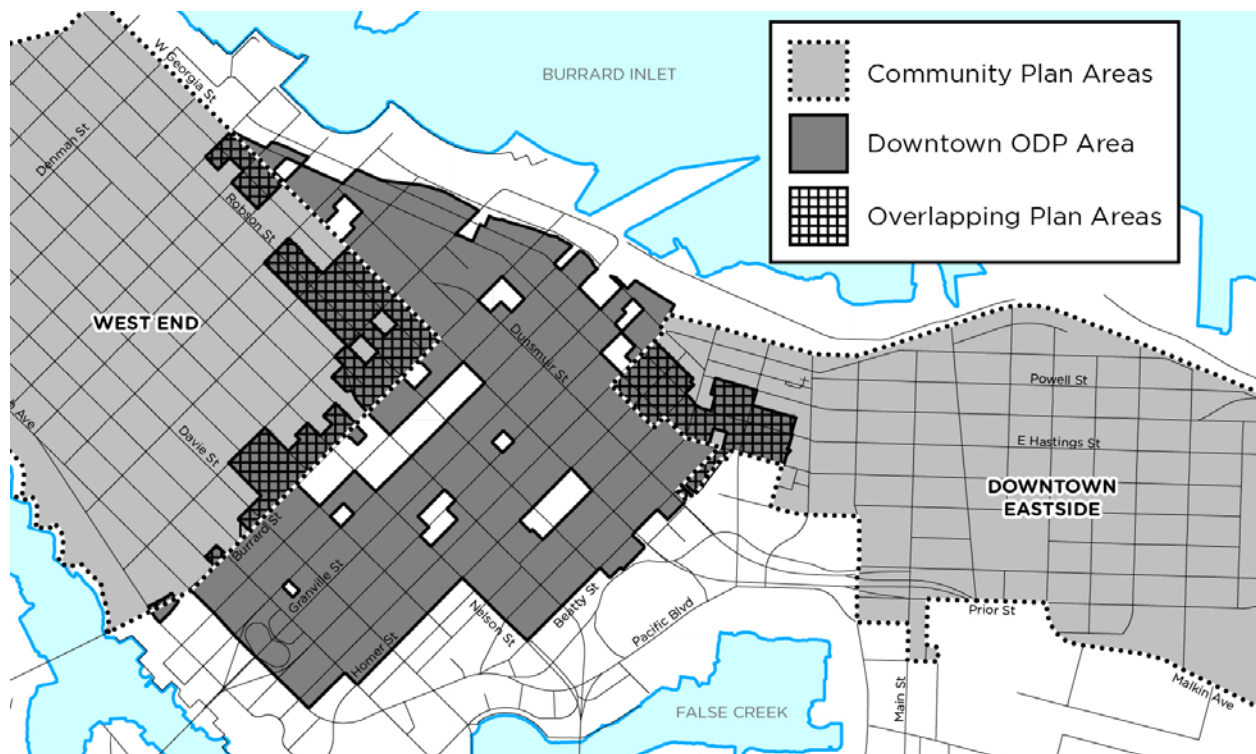


Figure 1: Areas of overlap between the West End and DTES plan areas and the Downtown ODP area.

## Strategic Analysis

### B.C. Supreme Court Decision

On January 27, 2015, the Court:

- quashed the DODP amendments resulting from the West End Plan implementation;

- quashed the development permit for the social housing under construction at 1099 Richards Street; and
- quashed the rezoning at 508 Helmcken Street.

This report is designed to address the Court's decision related to the DODP amendments. It does not address decisions relating to the development permit for 1099 Richards Street or rezoning at 508 Helmcken Street which will be dealt with through separate processes.

The Court's decision to quash the DODP amendments was based on a notification process which did not clearly identify all affected areas of the DODP. The legal notices did not make it clear that amendments to the DODP would affect areas outside the West End and particularly Downtown South. To address this concern, staff are planning a clear, expanded and robust notification process for the reconsideration of the DODP amendments associated with this report, pending referral to Public Hearing by Council.

Thus, this report restarts the process of Council considering the DODP amendments related to the Council-approved West End and Downtown Eastside plans. Extensive public consultation was undertaken over multiple years in the development of these two community plans, as well as for the Housing and Homelessness Strategy and the Healthy City Strategy, all of which inform and support the recommended DODP amendments. More than 16,600 participants were involved in the creation of those two plans and two strategies. The amendments are part of the regulatory framework which allows and supports implementation of the Plans. The proposed amendments, which will be described in more detail below, will:

- allow the City to implement affordable housing objectives throughout the DODP area including those identified in the West End and Downtown Eastside plans;
- allow the City to improve local business viability in the Robson Village; and
- clarify that when the Development Permit Board permits an increase in density for any development that includes social housing pursuant to subsection 13 of section 3 of the DODP, Council's approval is required prior to issuance of a development permit.

The proposed DODP *amendments* in Appendix A and B are identical in content but are displayed in two ways for ease of understanding by readers: Appendix A is the document which shows the final version of the new amendments to the DODP and includes the changes which form the amendment bylaw to be posted for Public Hearing if referred by Council. Appendix B is the **whole DODP Bylaw**, includes the same changes as Appendix A but for additional clarity includes the original version of the areas of the By-law which is being amended and demonstrates where text has been added or original text has undergone a "strike and replace" (commonly known as a "redline" version). These amendments are generally consistent with what was previously considered and approved by City Council, and, if approved, will meet the objectives of the West End and Downtown Eastside plans.

### Proposed DODP Amendments

Changes to the DODP are critical to achieving goals in the Housing and Homelessness Strategy, and implementing the West End and Downtown Eastside plans which have as key goals the provision of new social housing, secured market rental housing, and job space, which continue to be a high priority for the City. There are 10 to 15 development proposals resulting from these Plans at various stages of pre-application inquiry and/or approval which will bring much needed social housing, secured market rental housing, and commercial uses - these

proposals are currently on hold due to the need for the DODP amendments to be reconsidered and enacted again by Council. Figure 2 outlines the geographic application of the proposed amendments to the DODP which are the subject of this report.

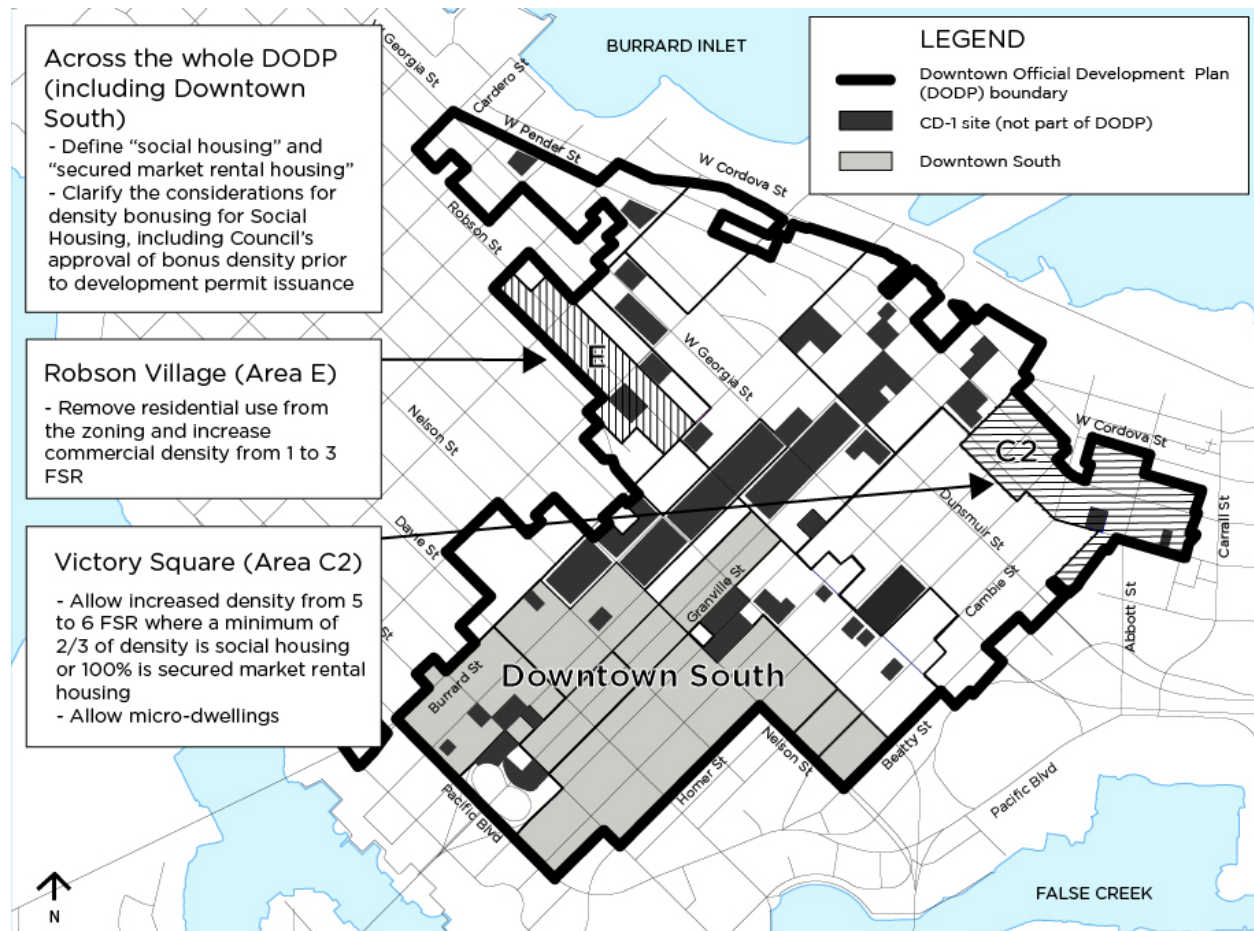


Figure 2: DODP boundaries with the Robson Village (Area ‘E’) and Victory Square (Area ‘C2’) areas in hatching and Downtown South shaded, including a summary of proposed changes.

The proposed changes to the DODP include new definitions for “Social Housing” and “Secured Market Rental Housing” and changes to clarify subsection 13 of Section 3, the DODP provision that authorizes the Development Permit Board to increase floor space ratio for social housing. These changes would be applicable to the entire DODP area. There are also area-specific changes proposed for Robson Village and Victory Square to advance specific community plan objectives discussed below (see Figure 2 for a summary of the changes proposed and Appendix C for a detailed overview of the proposed changes).

With the exception of the proposed changes to subsections 13 and 4(b) in Section 3, and Table 1 in Section 4 (as described in subsection d) below relating to Victory Square), all of the proposed changes were previously approved by City Council at Public Hearings in February and April of 2014.

- a) Proposed changes applicable to all DODP areas (including Downtown South) resulting from both the West End and Downtown Eastside plans

### **New definitions for “Social Housing” and “Secured Market Rental Housing”**

The West End and Downtown Eastside plans set out ambitious goals and objectives for achieving a deeper level of affordability for housing in both communities. Both plans identified the need for an updated definition for “Social Housing” and new definition for “Secured Market Rental Housing” to achieve the Council approved objectives for new affordable housing.

While the West End changes to the DODP were quashed by the Court, the Downtown Eastside changes to the DODP are still in effect until Council repeals that by-law as recommended by this report. This report recommends referring changes resulting from both the West End and Downtown Eastside plans to the same Public Hearing.

#### **“Social Housing”**

Prior to the amendments associated with the Downtown Eastside Plan and West End Plan, the DODP included an outdated definition of social housing and a dated definition for “low cost housing”. The term “low cost housing” dates back 20 years (1995) and identifies who the homes will be “designed” for (i.e. for persons receiving War Veterans Allowance, Canadian Pension Commission Disability Pension, Guaranteed Income Supplement, Spouses Allowance or income from Guaranteed Annual Income for Need). It is a term which is infrequently used in the affordable housing sector nowadays and the low-cost definition also omits the requirement for the use of housing agreements to secure the homes for the long-term, or the requirements related to who owns or operates the units, nor what the affordability requirements should be for tenants. The DODP amendments that relate to Victory Square include deleting the definition of “low cost housing” and updating the definition of social housing.

The proposed new definition of “social housing” has been drafted to reflect modern day practice and to align with other bylaws enabling and supporting social housing across the city. The proposed definition incorporates provisions to ensure that social housing is provided to those persons who are most in need (at least 30% of social housing at Household Income Levels as defined by BC Housing), that the housing is operated by those persons who are most experienced (non-profit or government agency) and that the units are secured over the long term (by Housing Agreement, 219 covenant or other security).

Furthermore, as is the case in most zoning districts in the Downtown Eastside, an additional level of affordability was added to the social housing definition in the DODP for the areas within the DTES that:

- *requires that* one-third of the dwelling units to be occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security and Guaranteed Income Supplement, and rented at rates no higher than the shelter component of Income Assistance.

Beyond the one-third requirement for social housing units at rents at the shelter component of Income Assistance in the DTES, the DTES Plan *targets that* the remaining two-thirds of the units be rented at varying rates of rent ranging from HILS up to affordable market rents (Policy 9.2.4 of the DTES Plan, 2014).

#### **“Secured Market Rental Housing”**

The housing objectives identified in the West End and Downtown Eastside plans are to encourage housing diversity in the area, including secured market rental housing. The definition of “Secured Market Rental Housing” was added to the DODP to ensure consistency with the Downtown Eastside Plan, West End Plan, and citywide definitions. The new definition allows the City to secure market rental housing in exchange for additional height and density.

#### b) Proposed changes to Section 3.13 of the DODP

Subsection 13 of section 3 of the DODP authorizes the Development Permit Board to permit an increase in density for any development that includes social housing, subject to a number of requirements. One of those requirements is “prior approval by City Council”. Although this language is somewhat imprecise, it has been the longstanding practice to interpret this to mean that Council approval of the bonus density is required prior to the issuance of the development permit. This interpretation allows the DP Board to consider form and design associated with the proposed increase in density and then take the complete proposal to Council for their final approval of the added density prior to the permit being issued. It is recommended that the provision be amended as set out in Appendix A and Appendix B to explicitly state this in order to avoid any future misunderstanding.

#### c) Proposed changes in the Robson Village (Area E) resulting from the West End Plan

##### **Remove residential from the zoning and increase commercial density**

In addition to the need for affordable housing, as part of the West End planning process, there was a strong desire to ensure that there were three “villages” that would encourage and support local business. To provide sunny and lively sidewalks, as well as additional opportunities for future business growth, the West End Plan recommended that in the Robson Village:

- height limits would remain (70 ft.) to maintain sunny sidewalks;
- permitted commercial density would be increased to allow for future local business opportunities (from 1 FSR to 3 FSR);
- future residential uses would not be supported to minimize conflicts with local business operations (noise, strata boards, lobbies, etc.); and
- existing residential would be grandfathered.



d) Proposed changes in Victory Square (Area C2) resulting from the Downtown Eastside Plan

**Allow increased height and density where projects include a minimum of two-thirds of the density as social housing or 100% secured market rental housing**

In addition to changing the definition for "Social Housing", the Downtown Eastside Plan identified opportunities to achieve new social housing and secured market housing in Victory Square. The Plan identifies the opportunity for new growth in this area to contribute towards affordable housing objectives. For projects on sites with a frontage of less than 75 ft., that include a minimum of two-thirds social housing or 100% secured market rental, it is recommended that the following be considered:

- additional height, from 75 ft. up to 105 ft.; and
- additional density, from 5.0 FSR (with a maximum of 3.0 FSR of residential) up to 6.0 FSR (with a maximum of 5.0 FSR of residential).

**Consider Micro Dwellings**

Micro Dwellings are defined in the Zoning & Development By-law, which also contains regulations governing this particular type of very small dwelling unit. One of the proposed amendments to the DODP would make micro dwellings a permitted use in the Victory Square area. The Zoning & Development By-law regulations permit a micro dwelling which must contain a kitchen and bathroom and must measure at least 29.7 m<sup>2</sup>, although the size may be relaxed to a minimum of 23.2 m<sup>2</sup>. Micro dwellings are intended for single occupancy. This proposed amendment to the DODP would allow for the creation of micro dwelling rental units in Victory Square and, when combined with the existing regulations in the Zoning & Development By-law, will permit the use of micro dwellings throughout the Downtown Eastside. This will help achieve the City's affordable housing objectives for replacement housing for low-income singles and affordable housing for moderate income renters in the Downtown Eastside.

**Align DODP wording with the Downtown Eastside Plan**

A minor change to subsection 4(b) of Section 3 and Table 1 in Section 4 is proposed to align the DODP language with the language in the Downtown Eastside Plan as it relates to the density bonus for social housing in Victory Square. The language is being changed from "more than two-thirds" to "a minimum of two-thirds" of the floor space ratio requirement for new social housing to achieve a density bonus.

Notification Process

Due care will be taken to ensure a more explicit and robust Public Hearing notification process is followed to address the concerns of the Court. The specific notification for the DODP amendments in this report will be expanded beyond both the requirements of the Vancouver Charter, our typical process, and the previous notification processes for the West End and Downtown Eastside plan which was the subject of the Court's critique. Table 1 highlights the recommended process which includes:

- advertising in the local newspapers;
- a postcard mailed to:
  - all property owners in the DODP area (approximately 23,000)
  - all business license holders in the DODP area (approximately 13,000)
  - all occupants in the DODP area (approximately 30,000) through Canada Post unaddressed ad mail (to ensure renters are also notified);
- a notice and information on the City website (Planning webpage);
- an email notice to:
  - West End, DTES, and Downtown South stakeholders
  - individuals who have signed up to the community plan listservs for the West End and DTES
  - individuals who have signed up for the Brenhill rezoning or development permit process notification lists; and
- notification via social media.

Notification Techniques	Required by Vancouver Charter	Typical DODP Amendments	West End/DTES DODP Amendments	Enhanced notification for this application
Newspapers	√	√	√	√
City webpage		√	√	√
Email lists		√	√	√
Postcards			√	√
Social media			√	√
Canada Post unaddressed mail (to reach renters)				√

Table 1: Summary of the enhanced notification process to be undertaken as part of these DODP amendments

**CONCLUSION**

The General Manager of Planning and Development Services recommends that the By-law be referred to Public Hearing together with the draft amendments, generally as shown in Appendix A and with a recommendation of the General Manager of Planning and Development Services that these be approved, subject to the Public Hearing. Due care will be taken to ensure that public notification for the Public Hearing be explicit as to the purpose and scope of the amendments to address the Court’s concerns.

\* \* \* \* \*

**Proposed By-law to amend the Downtown  
Official Development Plan By-law No. 4912**

Note: A By-law will be prepared generally in accordance with the provisions listed below subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of the Downtown Official Development Plan By-law.
2. Council repeals Amending By-law No. 10929.
3. In the part of By-law 4912 entitled “Definitions”:
  - a. Council strikes out the definitions of “Low cost housing” and “Social housing” and substitutes:

“**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.”

“**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 co-operative 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 co-operative 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."

4. In **Section 1 – Land Use**, Council:

- a. in subsection 1, strikes out " 'C1', and 'F' ", and substitutes " 'C1', 'E' and 'F'";
- b. renumbers subsections "2", "2A", "2B" and "3" as subsections "3", "4", "5" and "6";
- c. at the end of subsection 1, adds:
  - "2. In the area denoted by the letter 'E' on Map 1, dwelling uses existing as of [*date of enactment of by-law*] may be permitted."
- d. in renumbered subsection 3, strikes out " 'E' ";
- e. after renumbered subsection "6" adds:
  - "7. In the area denoted by the letter 'C2' on Map 1, the following uses may be permitted:
    - (a) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law." ; and
- f. after renumbered subsection "7", assigns numbers to each subsequent paragraph in numerical order as subsections "8", "9", "10", "11", "12", "13", "14", "15", "16" and "17".

5. In **Section 3 - Density** , Council:

- a. in subsection 1, opposite the letter "E", strikes out "1.00; however, an additional floor space ratio of 2.00 may be permitted for residential use;" and substitutes "3.00;";
- b. strikes out subsection 4(b) and substitutes:

“(b) in the area denoted by the letter ‘C2’ on Map 1, if social housing comprises a minimum of two-thirds of the floor space ratio or if secured market rental housing comprises all of the residential units, on a site with a maximum frontage of 23 m, the Development Permit Board may permit an increase in density to a maximum floor space ratio of 6.00 if the Development Permit Board first considers:

- (i) the intent of this official development plan,
- (ii) the height, bulk and location of the building and its effect on the site, surrounding buildings and streets, existing views and general amenity of the area,
- (iii) the liveability of the proposed residential units,
- (iv) the retail continuity requirements in Section 2, and
- (v) all applicable Council policies and guidelines.” ; and

c. strikes out subsection 13 and substitutes:

“13. Despite subsection 1 of this Section 3, for any development that includes social housing, other than in the areas marked “K1”, “K2”, and “K3” on Map 1, the Development Permit Board may increase the permitted floor area, except that:

- a. the Development Permit Board shall consider:
  - i. the advice of city staff and city officials responsible for housing and real estate,
  - ii. the cost to the developer of providing the social housing,
  - iii. the value of the increased floor area,
  - iv. the value of any relaxation of other regulations,
  - v. the impact on neighbourhood livability and environmental quality, and
  - vi. all applicable Council policies and guidelines;
- b. any increase in floor space ratio must be subject to a Housing Agreement that secures the social housing; and
- c. Council approval is required prior to issuance of the development permit.”

6. In the part of the By-law entitled “**Section 4 – Height**, in Table 1, Council:

- a. strikes out “the words “low cost or” wherever they appear;

- b. in the column entitled “**Basic maximum height**” opposite **Area 1**, strikes out “21.3” and substitutes “22.9”; and
- c. strikes out the words in the column entitled “**Increased maximum height**” opposite **Area 1**, and substitutes:

“If social housing comprises a minimum of two-thirds of the floor space ratio on a site, or if secured market rental housing comprises all of the residential units, the Development Permit Board, after considering all applicable Council policies and guidelines, may increase the height to a maximum of 32.0 m.”

\* \* \* \* \*

DOWNTOWN  
OFFICIAL DEVELOPMENT PLAN  
(Adopted by By-law No. 4912, November 4, 1975)

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# Downtown Official Development Plan

## Application and Intent

A By-law to regulate the development of that part of the City of Vancouver for which the Zoning District is described as “Downtown District (DD)”.

### Downtown District



— Downtown District Zoning Boundary

■ Area not zoned DD



NORTH

The Downtown District is the regional centre of commercial development.

It contains the greatest concentration of the working and shopping public within the region.

The well-being of this concentration of people requires more than the customary regulatory mechanisms in order that the buildings, the open spaces, the streets, the transportation systems and other components of the urban scene can be arranged appropriately for the benefit of the general public.

The intent, in the adoption of this Official Development Plan and the accompanying guidelines, is as follows:

- (1) to improve the general environment of the Downtown District as an attractive place in which to live, work, shop and visit;
- (2) to ensure that all buildings and developments in the Downtown District meet the highest standards of design and amenity for the benefit of all users of the Downtown;
- (3) to provide for flexibility and creativity in the preparation of development proposals;
- (4) to encourage more people to live within the Downtown District;
- (5) to support the objectives of the Greater Vancouver Regional District as referred to in "The Livable Region 1976/1986" as issued March 1975, to decentralize some office employment to other parts of Greater Vancouver by discouraging office developments considered inappropriate in the Downtown District;
- (6) to improve transportation downtown by encouraging greater transit usage, discouraging automobile usage for journeys to work, and by maintaining automobile access for non-work trips including shopping, business and entertainment;
- (7) to create a distinctive public realm and a unique and pleasing streetscape in the Downtown District.

The Official Development Plan By-law provides the general framework for the preparation of development plans for all individual buildings or complexes of buildings.

Development permit applications will be made in accordance with the procedures in the Zoning and Development By-law No. 3575.

Consideration of any development permit application will be based upon the regulations and requirements of the Official Development Plan and all applicable policies and guidelines adopted by Council.

A significant degree of flexibility is given to architects and others in the preparation of development proposals. A significant degree of discretion is also given to the Development Permit Board in the interpretation of regulations, policies and guidelines.

Guidelines approved by Council form an integral part of the development control procedure for the Downtown District.

In approving any development permit application within the District, the Development Permit Board shall be satisfied that the spirit and intent of such guidelines has been fulfilled.

#### Interpretation

A distinction is drawn in this By-law between regulations and interpretive requirements as follows:

1. Regulations are set out for land use; maximum and minimum standards for building density in terms of floor space ratio; maximum standards for parking and minimum requirements for loading.
2. Interpretive requirements are set out with respect to the permitted height of buildings, social and recreational amenities and facilities.

In the design and/or approval of individual developments variations are permitted in the interpretive requirements.

The Development Permit Board, in the exercise of its jurisdiction, may relax the provisions of this Plan in any case where literal enforcement would result in unnecessary hardship. In granting any relaxation, the Board shall have regard to the intent and policies of this Plan, and such other applicable policies and guidelines adopted by Council.

The Director of Planning or the Development Permit Board, as the case may be, may relax any of the provisions of this Plan where literal enforcement would result in unnecessary hardship in carrying out any restoration or renovation of buildings or sites on the Vancouver Heritage Register adopted by Council and in effect at the time of application for relaxation under this section. Any development permit issued shall specify the heritage aspects of the building or site that merit the relaxation authorized by this section. Before granting any relaxation, the Director of Planning or the Development Permit Board shall:

- (a) consider any advice from the Vancouver Heritage Commission or any other body established by Council for this purpose defining the aspects of the building or site that give it heritage merit and advising on the proposed conservation work;
- (b) notify such adjacent property owners and tenants as deemed necessary, consider the responses received, and if there is significant objection, refer the matter to Council for advice; and
- (c) consider the provisions of this Plan and all applicable policies and guidelines adopted by Council.

#### Definitions

The definitions contained in Section 2 of the Zoning and Development By-law shall apply to this ODP, except as varied or supplemented by the following:

**“Floor space ratio”** shall mean the figure obtained when the area of all floors of all buildings on the site (measured to the extreme outer limits of the building) is divided by the area of the site.

**“Hotel”** shall mean premises providing temporary accommodation by way of furnished sleeping, housekeeping or dwelling units.

**“Interior site”** shall mean a site which is flanked by other sites or a site and a lane.

**“Light industrial”** shall mean any service, manufacturing, wholesaling, warehouse, or other light industrial use, as may be approved by the Development Permit Board and be compatible with the office, retail or other commercial uses as well as the Residential use of the Downtown District.

~~“Low cost housing” shall mean sleeping, housekeeping or dwelling units designed for persons receiving War Veterans Allowance, Canadian Pension Commission Disability Pension, Guaranteed Income Supplement, Spouses Allowance or income from Guaranteed Annual Income for Need.~~

**“Office commercial”** shall mean any office, including banks and financial institutions.

**“Retail commercial”** shall mean any retail store, business, retail type service activity, or restaurant (excluding a drive-in).

**“Other commercial”** shall mean any other commercial use not being “retail” or “office”.

**“Retail continuity”** shall mean the provision and permanent maintenance of continuous pedestrian oriented retail store type display windows or other equal and suitable display as may be approved by the Development Permit Board. Entrances to buildings, including offices, hotels, banks, financial institutions, shall not exceed a total of 25 feet of frontage unless they otherwise provide approved retail continuity.

~~“Social housing” shall mean residential units, purchased by a government or non-profit housing group using available government funding, for housing senior citizens, handicapped persons or individuals or families of low income.~~

“**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.”

“**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 co-operative 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 co-operative 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.

## Section 1 – Land Use

In order to increase the variety, amenity and safety of Downtown, well-designed residential uses will be both permitted and encouraged throughout the Downtown, except for the Central Business District. In the core of the Central Business District residential use will not be permitted. In other areas of the Central Business District a mix of uses within single developments or in neighbouring sites is permitted and encouraged.

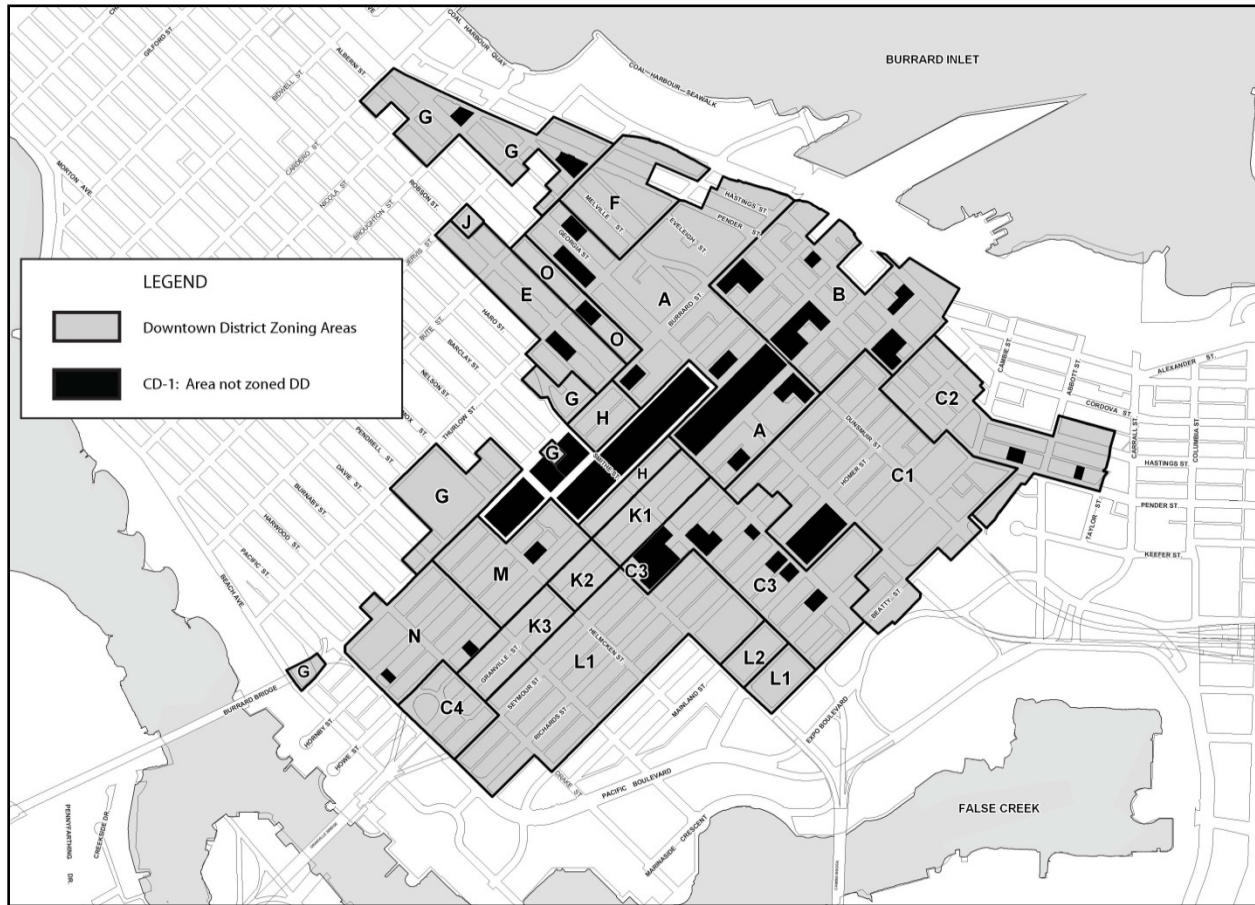
1. In the areas denoted by the letters ‘A’, ‘B’, ~~‘C1’~~, and ~~‘F’~~ ‘C1’, ‘E’ and ‘F’ on Map 1 the following uses may be permitted, subject to such conditions and regulations as may be prescribed by the Development Permit Board:
  - (a) Hotel;
  - (b) Light Industrial;
  - (c) Office Commercial;
  - (d) Other Commercial, including a Body-Rub Parlour;
  - (e) Parking Area and Parking Garage, subject to the provisions of section 5;
  - (f) Parks and Open Space;
  - (g) Public and Institutional;
  - (h) Retail Commercial;
  - (i) Social, Recreational and Cultural, including Casino - Class 1 and Bingo Hall.
  
2. *In the area denoted by the letter ‘E’ on Map 1, dwelling uses existing as of [date of enactment of by-law] may be permitted.*
  
- ~~2.3.~~ In the areas denoted by the letters ‘C2’, ‘C3’, ‘C4’, ~~‘E’~~, ‘G’, ‘H’, ‘J’ and ‘O’ on Map 1 the following uses may be permitted, subject to such conditions and regulations as may be prescribed by the Development Permit Board:
  - (a) Hotel;
  - (b) Light Industrial;
  - (c) Office Commercial;
  - (d) Other Commercial, including a Body-Rub Parlour;
  - (e) Parking Area and Parking Garage, subject to the provisions of section 5;
  - (f) Parks and Open Space;
  - (g) Public and Institutional;
  - (h) Residential;
  - (i) Retail Commercial;
  - (j) Social, Recreational and Cultural, including Casino - Class 1 and Bingo Hall.
  
- ~~2A~~ 4. The areas denoted by the letters ‘C2’ and ‘C3’ may include live-work use if:
  - (a) the use complies with section 11.23 of the Zoning and Development By-law;
  - (b) the use is on a site identified on Map 1A; and
  - (c) on Seymour Street, Nelson Street, and Smithe Street:
    - (i) the premises have direct access to grade, and
    - (ii) the principal entrance to the non-residential component is not more than 1.5 m above grade.
  
- ~~2B~~ 5. Any development permit issued for live-work use must stipulate as permitted uses:
  - (a) dwelling unit;
  - (b) beauty and wellness centre, general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and
  - (c) dwelling unit combined with any use set out in subsection (b).
  
- ~~3.~~ 6. In the areas denoted by the letters ‘K1’, ‘K2’, ‘K3’, ‘L1’, ‘L2’, ‘M’ and ‘N’ on Map 1 the uses listed below, which shall have the meaning assigned to them by section 2 of the Zoning and

Development By-law, may be permitted, subject to such conditions and regulations as may be prescribed by the Development Permit Board.

7. In the area denoted by the letter 'C2' on Map 1, the following uses may be permitted:
  - (b) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.
8. The areas denoted by the letters 'L1', 'M', and 'N' may include live-work use if:
  - (a) the use complies with section 11.23 of the Zoning and Development By-laws;
  - (b) the use is on a site identified on Map 1A; and
  - (c) on Hornby Street, Howe Street, Seymour Street, Nelson Street, and Smithe Street:
    - (i) the premises have direct access to grade, and
    - (ii) the principal entrance to the non-residential component is not more than 1.5 m above grade.
9. Any development permit issued for live-work use must stipulate as permitted uses:
  - (a) live-work use;
  - (b) dwelling unit; and
  - (c) beauty and wellness centre, general office, health care office, barber shop or beauty salon, photofinishing and photography studio, and artist studio – class A.
10. In the areas denoted by the letters 'K1', 'K2' and 'K3' on Map 1 the following uses may be permitted:
  - (a) Institutional Uses;
  - (b) Office Uses;
  - (c) Parking Garage, subject to the provisions of section 5;
  - (d) Retail Uses, except that Vehicle Dealer is limited to the rental of motor vehicles;
  - (e) Service Uses, except Auction Hall, Catering Establishment, Drive-through Service, Funeral Home, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Photofinishing or Photography Laboratory, Repair Shop - Class A, Restaurant - Drive-in, Sign Painting Shop.
11. In the area denoted by the letter 'K1' the following additional uses may be permitted:
  - (a) Cultural and Recreational Uses, including Casino - Class 1 and Bingo Hall;
  - (b) Rooming House existing as of October 7, 1997.
12. In the area denoted by the letter 'K2' the following additional uses may be permitted:
  - (a) Cultural and Recreational Uses, including Casino - Class 1 and Bingo Hall, except that Arcades shall not be located on a floor having an elevation within 2.0 m of street grade;
  - (b) Dwelling Uses.
13. In the area denoted by the letter 'K3' the following additional uses may be permitted:
  - (a) Cultural and Recreational Uses but excluding Arcade, Casino - Class 1 or Bingo Hall;
  - (b) Dwelling Uses.
14. In the areas denoted by the letters 'L1' and 'N' on Map 1 the following uses may be permitted:
  - (a) Cultural and Recreational Uses but excluding Arcade, Casino - Class 1 or Bingo Hall;
  - (b) Dwelling Uses;

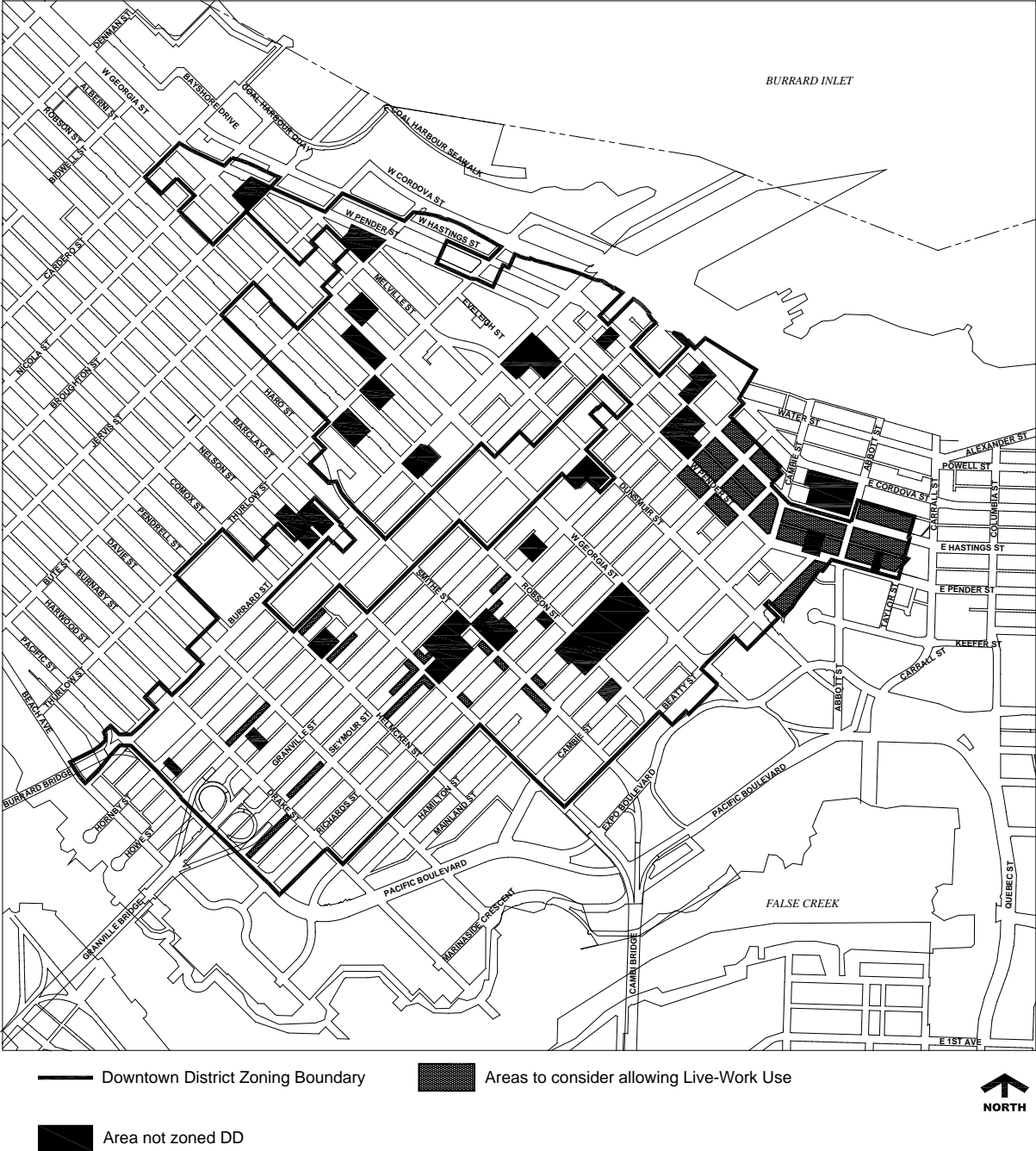
- (c) Institutional Uses;
  - (d) Office Uses;
  - (e) Parking Uses, subject to the provisions of section 5;
  - (f) Retail Uses, limited to Adult Retail Store, Grocery or Drug Store, Retail Store;
  - (g) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Bed and Breakfast Accommodation, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant - Class 1.
15. In the area denoted by the letter 'L2' on Map 1 the following uses may be permitted:
- (a) Cultural and Recreational Uses but excluding Arcade, Casino - Class 1, Casino - Class 2, and Bingo Hall;
  - (b) Dwelling Uses;
  - (c) Institutional Uses;
  - (d) Office Uses;
  - (e) Parking Uses, subject to the provisions of section 5;
  - (f) Retail Uses, limited to Grocery or Drug Store, Retail Store;
  - (g) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Bed and Breakfast Accommodation, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant - Class 1.
16. In the area denoted by the letter 'L2' on Map 1 the following additional uses may be permitted in any building existing on December 11, 2001 but will not be permitted in any alteration or extension to such building or in any new building:
- (a) Retail Uses, limited to Furniture or Appliance Store, Secondhand Store, Vehicle Dealer;
  - (b) Service Uses, limited to Animal Clinic, Auction Hall, Catering Establishment, Print Shop, Production or Rehearsal Studio, School-Arts or Self-Improvement, School-Business, School-Vocational or Trade, Sign Painting Shop, Work Shop;
  - (c) Manufacturing Uses, limited to Clothing Manufacturing, Electrical Products or Appliances Manufacturing, Furniture or Fixtures Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Printing or Publishing, Shoes or Boots Manufacturing, Textiles or Knit Goods Manufacturing;
  - (d) Transportation and Storage Uses, limited to Packaging Plant, Storage Warehouse;
  - (e) Utility and Communication Uses, limited to Radiocommunication Station; and
  - (f) Wholesale Uses, limited to Wholesaling - Class A, Wholesaling - Class B.
17. In the area denoted by the letter 'M' on Map 1 the following uses may be permitted:
- (a) Cultural and Recreational Uses but excluding Arcade, Casino - Class 1 or Bingo Hall;
  - (b) Dwelling Uses;
  - (c) Institutional Uses;
  - (d) Office Uses;
  - (e) Parking Uses, subject to the provisions of section 5;
  - (f) Retail Uses, except Furniture or Appliance Store, Vehicle Dealer;
  - (g) Service Uses, except Auction Hall, Catering Establishment, Cabaret, Drive-through Service, Funeral Home, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Photofinishing or Photography Laboratory, Repair Shop - Class A, Restaurant - Class 2, Sign Painting Shop.

Downtown District Map 1 - Areas





Downtown District Map 1A - Live Work Areas



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## Section 2 – Retail Use Continuity

The intent of this section is to provide for retail, retail-commercial and service uses along existing and potential pedestrian routes for the interest and enjoyment of pedestrians and to identify where continuous retail and service uses are prohibited.

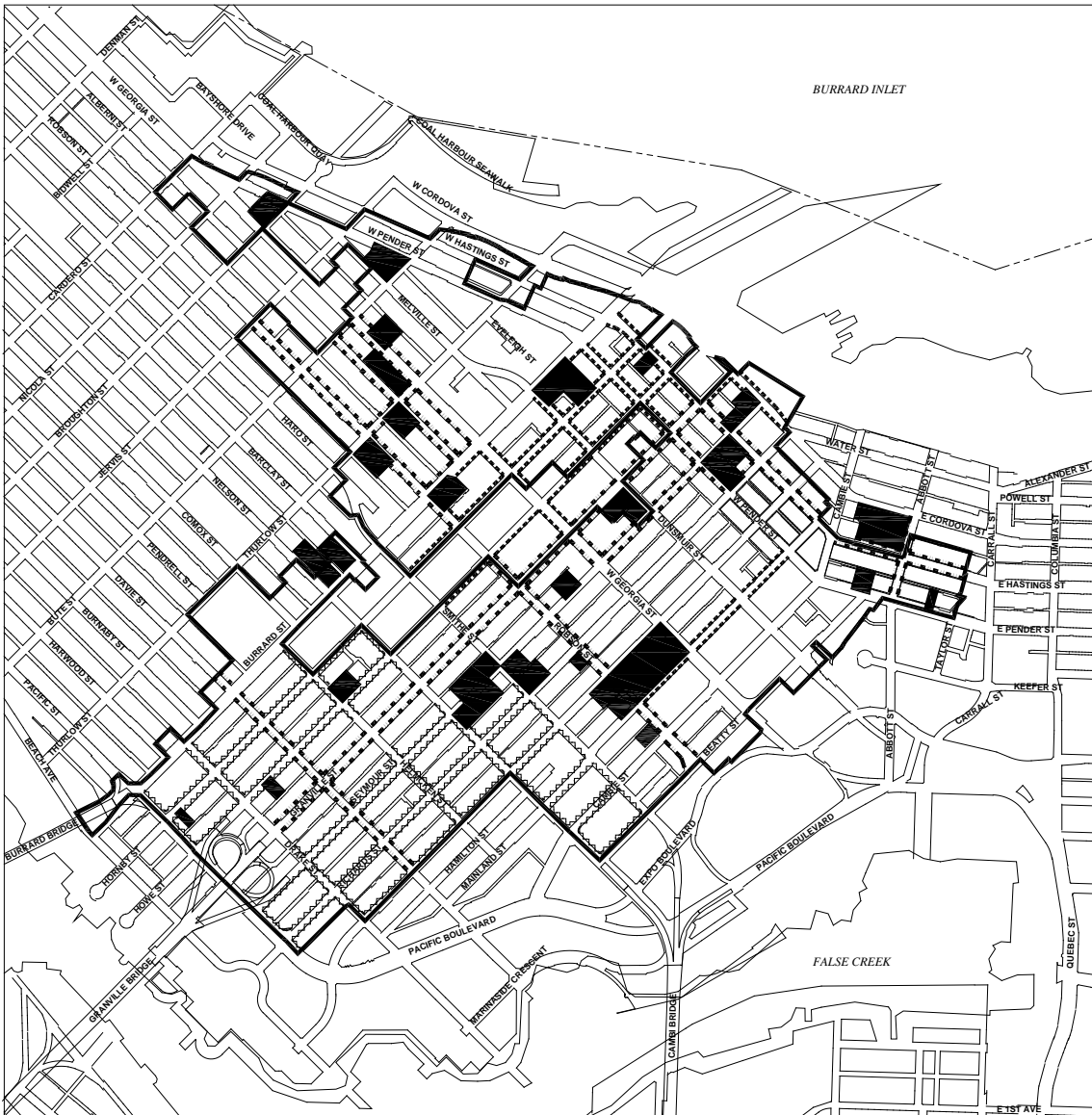
1. Retail, retail-commercial or service uses shall be required on the ground floor of street frontages, as designated by and in accordance with Map 2, subject to such conditions, regulations and design guidelines that apply or that may be determined by the Development Permit Board or the Director of Planning.

In cases where Map 2 designates a street frontage as requiring ‘some ground floor retail, retail-commercial and service uses’, the following shall apply:

- (a) retail, retail-commercial and service uses shall only be required where a development site has a frontage of 75 feet or more;
  - (b) in cases of sites identified in (a) above, a minimum of 25 percent of each of the development site’s frontages on streets shall contain retail, retail-commercial or service uses; and
  - (c) the Development Permit Board or the Director of Planning may waive the retail or service use requirement identified in (a) and (b) above, in cases where pedestrian interest is maintained through building design or use, and the Development Permit Board or the Director of Planning is satisfied that the building could be easily converted to retail use.
2. Notwithstanding sub-section 1, retail, retail-commercial and service uses are permitted on the ground floor of all street frontages where such uses are not otherwise prohibited by Map 2, but shall be subject to such conditions, regulations and design guidelines that apply or that may be determined by the Development Permit Board or the Director of Planning.
3. In cases where retail, retail-commercial or service uses are provided on the ground floor at the fronting street, there shall be direct pedestrian access from the street to each retail, retail-commercial or service use.
4. Notwithstanding sub-sections 1 and 3, in cases where the proposed use is located in a building or site on the Vancouver Heritage Register, the Development Permit Board or the Director of Planning may waive the requirement for continuous ground floor retail, retail-commercial and service uses and the requirement for direct pedestrian access, both subject to such conditions, regulations and design guidelines that apply or that they may determine.
5. Notwithstanding sub-section 1, the Development Permit Board or the Director of Planning may permit social, recreational, cultural, public and institutional uses where they are satisfied that there is a need for such uses, subject to such conditions, regulations and design guidelines that apply or that they may determine.
6. To increase activity on the street, retail and service uses in the areas denoted by the letters ‘K1’, ‘K2’, ‘K3’, ‘L1’, ‘L2’, ‘M’, and ‘N’ on Map 1 shall be oriented to the street frontage. Buildings with retail oriented to interior circulation, such as malls, are not appropriate except that the Development Permit Board or the Director of Planning may, in unusual circumstances, relax this sub-section 6.
7. Retail, retail-commercial and service uses shall be prohibited on the ground floor of street frontages, as designated by and in accordance with Map 2.

8. Despite anything to the contrary in this Downtown Official Development Plan, the Development Permit Board or Director of Planning may permit social service centre, general office, or health care, office uses on the ground floors of buildings having street frontages on Hastings Street east of Cambie Street subject to such conditions, regulations, and design guidelines that apply or that the Development Permit Board or Director of Planning may determine.

Downtown District Map 2 - Retail Uses



— Downtown District Zoning Boundary

■ Area not zoned DD

- Continuous ground floor retail, retail-commercial and service uses required.
- Some ground floor retail, retail-commercial and service uses required.
- ~~~~~ Ground floor retail, retail-commercial and service uses prohibited.  
 [(a) except in corner sites where up to 2,500 sq. ft. of retail, retail-commercial and service uses are permitted, and  
 (b) except ground floor retail, retail-commercial and service uses are permitted:  
 -along Mainland Street frontage between Nelson and Smithe Streets,  
 -along Nelson and Smithe Street frontages between Mainland and Cambie Streets;  
 for the life of a building existing as of (Dec. 11, 2001)].



## Section 3 – Density

Vancouver's Downtown is and will remain the highest-density commercial area within the City and within the Greater Vancouver Region. However, in order to achieve objectives which include:

- participation with and encouragement of the Greater Vancouver Regional District's policies for Regional Town Centres;
- encouragement of residential use within the Downtown;
- encouragement of a mixture of uses in single developments; and
- high standards of design throughout the Downtown;

the permitted maximum density is varied throughout this District.

1. Subject to conformity with the guidelines and subject to subsections 2, 3 and 4, the maximum permitted density (floor space ratio) shall in no case exceed the amount shown for each of the density areas within the district as illustrated on Map 1 and described below:
  - A in the area denoted by the letter 'A', the total density for all permitted uses must not exceed a floor space ratio of 11.00;
  - B in the area denoted by the letter 'B', the total density for all permitted uses must not exceed a floor space ratio of 9.00;
  - C1 in the area denoted by the letter 'C1', the total density for all permitted uses must not exceed a floor space ratio of 7.00;
  - C2 in the area denoted by the letter 'C2', the total density for all permitted uses must not exceed a floor space ratio of 5.00;
  - C3 in the area denoted by the letter 'C3', the total density for all permitted uses must not exceed a floor space ratio of 5.00, and, for new construction, an addition to an existing building that increases the residential floor area, or a change of use in an existing building that increases the residential floor area, the total density for non-residential uses must not be less than a floor space ratio of 2.00;
  - C4 in the area denoted by the letter 'C4', the total density for all permitted uses must not exceed a floor space ratio of 5.00;
  - E in the area denoted by the letter 'E', the maximum density for any non-residential use shall be floor space ratio 1.00; ~~however, an additional floor space ratio of 2.00 may be permitted for residential use;~~ 3.00;
  - F in the area denoted by the letter 'F', the total density for all permitted uses must not exceed a floor space ratio of 9.00;
  - G in the area denoted by the letter 'G', the total density for all permitted uses shall be floor space ratio 6.00, except that office uses shall not exceed floor space ratio of 5.00;
  - H in the area denoted by the letter 'H', the total density for all permitted uses must not exceed a floor space ratio of 6.00 except that:
    - residential uses must not exceed a floor space ratio of 3.00, and, for new construction, an addition to an existing building that increases the residential floor area, or a change of use in an existing building that increases the residential floor area, the total density for non-residential uses must not be less than a floor space ratio of 2.00;
  - J in the area denoted by the letter 'J', the maximum density shall be floor space ratio 3.00.
  - K in the areas denoted by the letters 'K1', 'K2' and 'K3', the maximum density for all permitted uses shall be floor space ratio 3.50, subject to the provision of retail and service uses at grade as specified in section 2;
  - L in the areas denoted by the letter 'L1', 'L2', the maximum density for all uses shall be floor space ratio 3.00, except that:
    - the maximum density for all uses for a site with social housing shall be floor space ratio 5.00 provided that social housing comprises more than two-thirds of the floor space ratio;

- the maximum density for all uses on a corner site with a minimum frontage of 175 feet and a minimum site area of 21,000 square feet shall be floor space ratio 5.00;
  - the maximum density for all uses on an interior site with a minimum frontage of 200 feet and a minimum site area of 24,000 square feet shall be floor space ratio 5.00; and
- all subject to the following limitations:
- office uses, institutional uses, and cultural and recreational uses shall not in total exceed floor space ratio 1.00; except on the 400 and 500 block Pacific Boulevard where office uses shall not exceed floor space ratio 2.00 and where institutional uses and cultural and recreational uses shall not in total exceed floor space ratio 1.00 provided that office uses, institutional uses, and cultural and recreational uses shall not in total exceed floor space ratio 2.00;
- retail and service uses are more particularly limited as follows:
- on Davie Street, the 400 block Pacific Boulevard, and the 500 block Pacific Boulevard, to a maximum of 10,000 square feet per site; and
  - in all other locations to corner sites and to a maximum of 2,500 square feet per site;
- L2 in the area denoted by the letter 'L2' and despite the preceding subsection, the maximum density for all permitted uses may be increased to 2.74 for a building existing as of December 13, 2001 except that Retail Uses are limited to 4 645 m<sup>2</sup>.
- M in the area denoted by the letter 'M', the maximum density for all uses shall be floor space ratio 3.00, except that:
- the maximum density for all uses for a site with social housing shall be floor space ratio 5.00 provided that social housing comprises more than two-thirds of the floor space ratio;
  - the maximum density for all uses on a corner site with a minimum frontage of 175 feet and a minimum site area of 21,000 square feet shall be floor space ratio 5.00;
  - the maximum density for all uses on an interior site with a minimum frontage of 200 feet and a minimum site area of 24,000 square feet shall be floor space ratio 5.00; and
- all subject to the following limitations:
- retail and service uses, except hotels, are limited as follows:
- on Davie Street to a maximum of 10,000 square feet per site;
  - on Burrard Street to a maximum of 20,000 square feet per site; and
  - in all other locations to corner sites and to a maximum of 2,500 square feet per site;
- N in the area denoted by the letter 'N', the maximum density for all uses shall be floor space ratio 5.00, except that:
- office uses, institutional uses, and cultural and recreational uses shall not in total exceed floor space ratio 1.00;
  - retail and service uses are more particularly limited as follows:
    - on Davie Street to a maximum of 10,000 square feet per site;
    - on Burrard Street to a maximum of 20,000 square feet per site; and
    - in all other locations to corner sites and to a maximum of 2,500 square feet per site;
- O in the area denoted by the letter 'O', the total density for all permitted uses shall be floor space ratio 7.00 except that office use shall not exceed floor space ratio 6.00.
2. The Development Permit Board may permit an increase in the floor space ratio for hotels in:
- the areas denoted by the letters 'A', 'B', 'C1', 'C3', 'C4', 'F' and 'O' on Map 1 except for the area bordered by Pacific, Seymour, Drake and Howe Streets; and
  - the 1200, 1300, 1400 and 1500 blocks of Georgia Street in the area denoted by the letter 'G' on Map 1;
- provided that:
- (a) the increase in no case exceeds a maximum of 15% of the floor area of that portion of the building having floor-to-floor dimensions of less than 10 feet and used for guest accommodation and ancillary corridors, service and access areas;

- 
- (b) it first considers the impact of additional density on built form, neighbouring sites and buildings, livability, views, shadowing and local pedestrian and vehicular circulation; and
    - (c) it first considers all applicable policies and guidelines adopted by Council.
  3. Except in the areas denoted by the letters 'A', 'B', 'C1', 'F', 'K1', 'K2', 'K3', 'L1', 'L2', 'M' and 'N' on Map 1, residential floor area may be substituted for non-residential floor area.
  4. Despite subsections 1 and 3, the density of residential use must not exceed a floor space ratio of 3.00, except:
    - (a) in the areas denoted by the letters 'G', 'K1', 'K2', 'K3', 'L1', 'L2', 'M', 'N', and 'O' on Map 1; and
    - ~~(b) in the area denoted by the letter 'C2' on Map 1, if social housing or low cost housing comprises more than two thirds of the floor space ratio on a site and development of the site meets retail use continuity requirements, the density of all uses must not exceed a floor space ratio of 5.00.~~
    - (b) in the area denoted by the letter 'C2' on Map 1, if social housing comprises a minimum of two-thirds of the floor space ratio or if secured market rental housing comprises all of the residential units, on a site with a maximum frontage of 23 m, the Development Permit Board may permit an increase in density to a maximum floor space ratio of 6.00 if the Development Permit Board first considers:
      - (i) the intent of this official development plan,
      - (ii) the height, bulk and location of the building and its effect on the site, surrounding buildings and streets, existing views and general amenity of the area,
      - (iii) the liveability of the proposed residential units,
      - (iv) the retail continuity requirements in Section 2, and
      - (v) all applicable Council policies and guidelines.
  5. Despite subsections 1 and 4, the density of live-work use, or residential use and live-work use combined, must not exceed a floor space ratio of 3.0 in the area denoted by the letter 'C2' or 'C4' on Map 1.
  6. The following shall be excluded in the computation of floor space ratio:
    - (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing and contribute to the amenity or environment of the Downtown District, provided that the total area of all exclusions does not exceed eight percent of the provided residential floor area;
    - (b) patios or roof gardens provided that any sunroofs or walls are approved by the Director of Planning;
    - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, those floors or portions thereof so used, which are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 24 feet in length;
    - (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; and
    - (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.
7. The following may be excluded in the computation of floor space ratio:
- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure subject to the following:
    - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
    - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
  - (b) interior public space, including atria and other similar spaces, provided that:
    - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 6,000 square feet;
    - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
    - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
8. For the purpose of floor space ratio calculation, each square foot of floor area for above-grade parking shall be counted as 0.70 square feet.
9. The Development Permit Board may, for any development which includes the restoration of an existing building which is listed on the Vancouver Heritage Register dated August 1986, permit an increase in the floor space ratio, subject to prior approval by City Council and designation of the building as a Municipal Heritage Site.
- In determining the increase in floor area that may be permitted, the Development Permit Board shall consider:
- (a) the cost of the heritage-related restoration;
  - (b) the value of the increased floor area;
  - (c) the impact upon livability and environmental quality of the neighbourhood; and
  - (d) all applicable policies and guidelines adopted by Council.
10. The Development Permit Board may, for any development within the areas denoted by the letters 'K1', 'K2' and 'K3' which, as of July 30, 1991, includes a building containing housekeeping or sleeping units and listed on the Vancouver Heritage Register, permit an increase in floor space ratio, subject to prior approval by City Council, provided that the increase in floor space ratio:
- (a) is not used in the areas denoted by the letters 'K1', 'K2' and 'K3'; and
  - (b) is used to provide at least an equivalent number of replacement residential units within the areas denoted by the letters 'L1', 'L2', 'M' or 'N'. Such replacement residential units shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.



In determining the increase in floor space ratio that may be authorized, the Development Permit Board, with advice from the Director of Housing and Properties, shall consider:

- (a) the cost to the Developer of providing the replacement residential units;
- (b) the value of the increased floor area; and
- (c) the value of any authorized relaxation of other regulations.

- 11. Floor space excluded pursuant to subsection 5 or as provided for in the definition of “floor space ratio” shall not be put to any use other than that which justified the exclusion.
- 12. Live-work floor space is eligible for floor space exclusions under subsections 6, 7, and 11 of this Section 3.
- 13. ~~The Development Permit Board may, for any development which includes social housing, except within the areas denoted by the letters ‘K1’, ‘K2’ and ‘K3’ on Map 1, permit an increase in floor area, subject to the securing of a Housing Agreement to ensure the inclusion of social housing.~~

~~In determining the amount of an increase in floor area that may be permitted as a result of a relaxation, the Development Permit Board, with advice from the Manager of the Housing Centre and the Manager of the Real Estate Division, shall consider:~~

- ~~(a) the cost to the Developer of providing social housing;~~
- ~~(b) the value of the increased floor area;~~
- ~~(c) the value of any relaxation of other regulations;~~
- ~~(d) the impact upon livability and environmental quality of the neighbourhood; and~~
- ~~(e) all applicable policies and guidelines adopted by Council.~~

Despite subsection 1 of this Section 3, for any development that includes social housing, other than in the areas marked “K1”, “K2”, and “K3” on Map 1, the Development Permit Board may increase the permitted floor area, except that:

- (a) the Development Permit Board shall consider:
  - (i) the advice of city staff and city officials responsible for housing and real estate,
  - (ii) the cost to the developer of providing the social housing,
  - (iii) the value of the increased floor area,
  - (iv) the value of any relaxation of other regulations,
  - (v) the impact on neighbourhood livability and environmental quality, and
  - (vi) all applicable Council policies and guidelines;
- (b) any increase in floor space ratio must be subject to a Housing Agreement that secures the social housing; and
- (c) Council approval is required prior to issuance of the development permit.

- 14. Notwithstanding subsections 1, 3 and 4, the Development Permit Board may permit an increase in floor space ratio for any use where the increase results from a transfer of heritage floor space to a maximum of 10 percent over the total permitted floor space ratio, except that this increase shall not apply to hotels where the floor space has already been increased pursuant to subsection 2.

For the purpose of this subsection, heritage floor space means floor space on a site where the site or a building or a structure is designated by the Heritage By-law and, according to the

development limitation mechanism regulating land for that site, is available to be transferred to another site and is located within areas shown as transfer of density areas for heritage preservation illustrated in the Transfer of Density Policy and Procedure adopted by Council and in effect at the time of application for relaxation under this section.

#### Section 4 – Height of Buildings

1. The purpose of this Section 4 is to ensure that the height of new development is compatible with the height of existing development.
2. The height of a building in a numbered area shown on Map 3 must not exceed the basic maximum height in Column 2 of Table 1 opposite the corresponding numbered area in Column 1 unless:
  - (a) subsection 4 of this Section 4 applies; or
  - (b) the Development Permit Board allows an increase in height under Column 3 of Table 1 opposite the corresponding numbered area or under subsection (4).
3. The criteria referred to in Column 3 of Table 1 are the size and location of the site; the relationship of the development with nearby residential areas; the intent of this Plan; Council's policies and guidelines; the bulk, location, and overall design of the building; the building's effect on the site, surrounding buildings, streets, and existing views; the amount of open space; the effects of overall design on the general amenity of the area; the provision of pedestrian amenities and public realm requirements; the preservation of the character and general amenity desired for the area; overshadowing and view obstruction; environmental criteria set out in Council's design guidelines; and the submission of any advisory group, property owner, or tenant.

Table 1

Area	Basic maximum height	Increased maximum height
1	<del>21.3</del> 22.9 m	<p>If at least <del>2/3</del> of the floor space ratio on the site is for low cost or social housing, and after considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 30.5 m.</p> <p>If social housing comprises a minimum of two-thirds of the floor space ratio on a site, or if secured market rental housing comprises all of the residential units, the Development Permit Board, after considering all applicable Council policies and guidelines, may increase the height to a maximum of 32.0 m.</p>
2	21.3 m	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m.
3	The distance between the ground plane and the horizontal planes shown on Figure 1	After considering Council's policies and guidelines, the Development Permit Board may increase the basic maximum height to no more than 27.4 m.
4	45.7 m	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m.
5	91.4 m	After considering the criteria, the Development Permit Board may increase the basic maximum height to no more than 137.2 m.
6	91.4 m except that, on a corner site that has a frontage less than 53.3 m or an interior site that has a frontage less than 61 m, the height must not exceed 21.3 m	To accommodate extra density for social housing and after considering the criteria, the Development Permit Board may increase the basic maximum height of 21.3 m to no more than 36.6 m.
7	91.4 m	
8	137.2 m	

Map 3

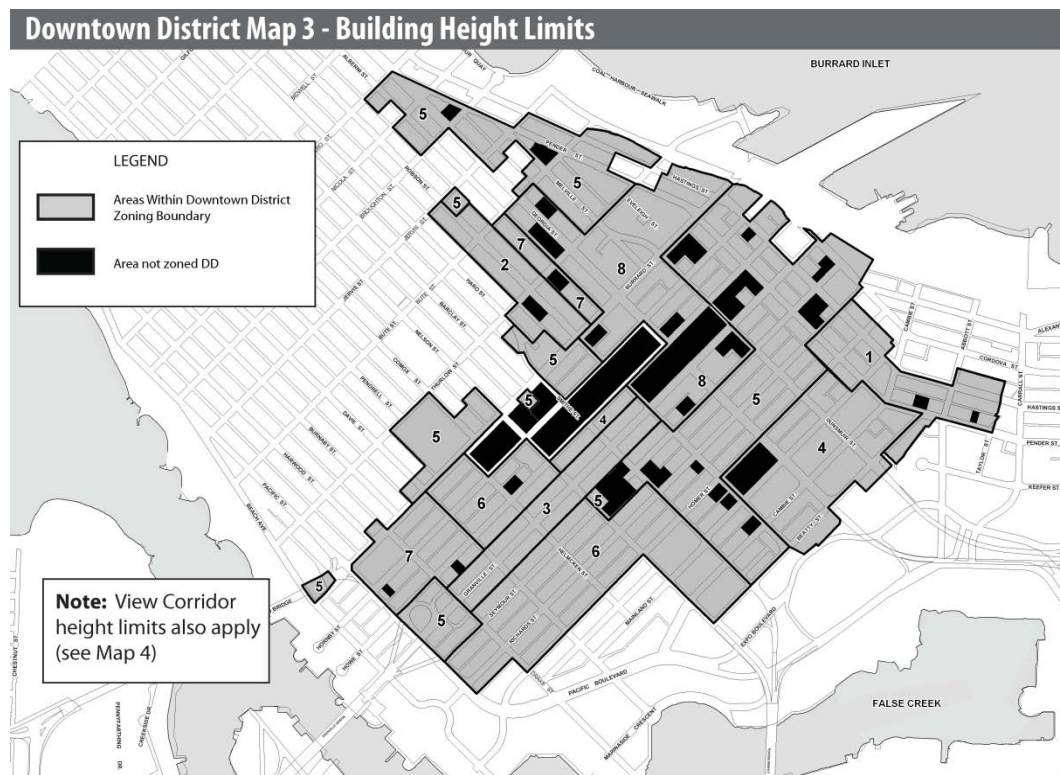
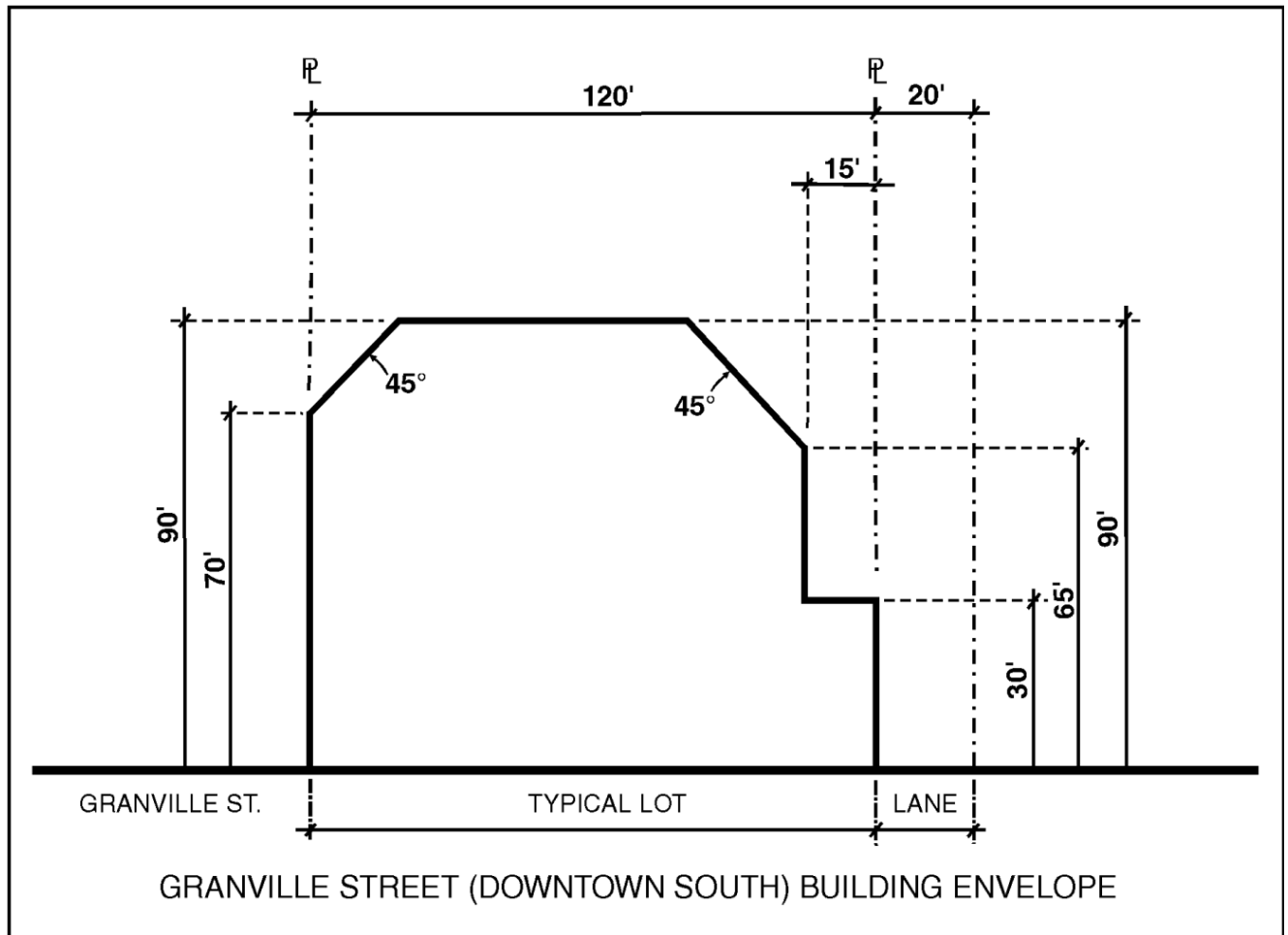
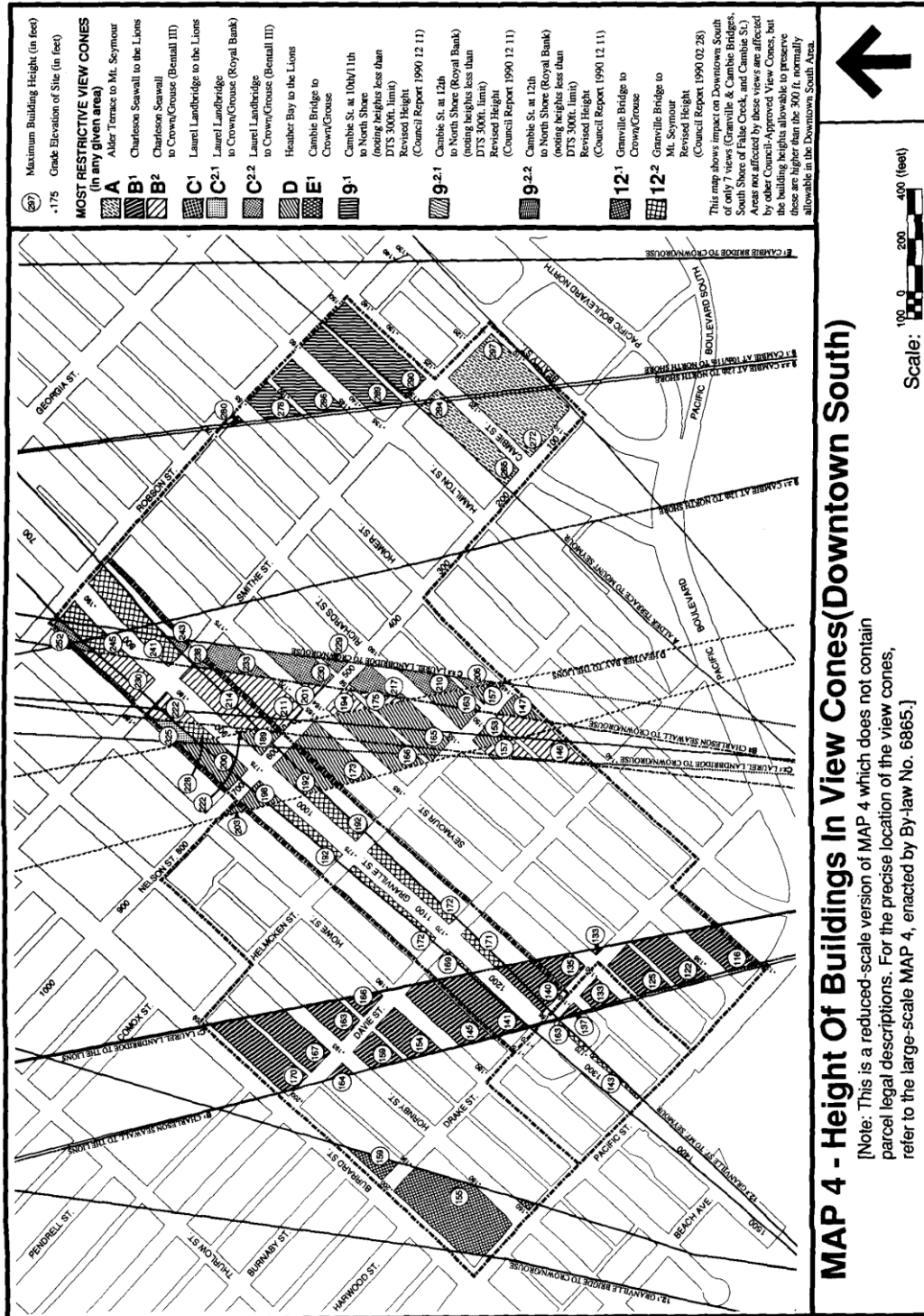


Figure 1.



- The height of a building in a view cone area shown on Map 4 must not exceed the applicable basic maximum height shown on Map 4 unless, after considering Council's policies and guidelines, the Development Permit Board increases any basic maximum height set out in Map 4 by no more than 10%.

Map 4



**MAP 4 - Height of Buildings in View Cones (Downtown South)**

[Note: This is a reduced-scale version of MAP 4 which does not contain parcel legal descriptions. For the precise location of the view cones, refer to the large-scale MAP 4, enacted by By-law No. 6865.]

Section 5 - Parking [See also Parking By-law.]

Parking garages which are not accessory to another use on the site may be permitted within the areas indicated by the heavy black outline on Map 5 but are not permitted outside the areas indicated.

Downtown District Map 5 - Parking



Area not zoned DD



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## Section 6 – Social and Recreational Amenities and Facilities

It is the purpose of this section to provide in the Downtown area social and recreational amenities primarily for the enjoyment of downtown residents and employees.

- (1) facilities which provide opportunities for physical fitness;
- (2) facilities for general recreation;
- (3) facilities which provide a service to the public.

Facilities or areas which contribute to physical amenity, such as parks, plazas, arcades or ornamental elements in the landscape, are not included in this section. These items and others of a similar nature will be provided where appropriate, as part of the design of the buildings.

### **I. Exclusion from Floor Space Ratio**

The following ancillary facilities are excluded from the floor area measurement provided that the area of such excluded facilities contained in this section does not exceed 20 percent of allowable floor space ratio or 10,000 square feet, whichever is the lesser.

#### **List of Excluded Uses:**

- (i) saunas;
- (ii) tennis Courts;
- (iii) swimming pools;
- (iv) squash Courts;
- (v) gymnasiums and workout rooms;
- (vi) games rooms and hobby rooms;
- (vii) day care centres;
- (viii) libraries (public);
- (ix) other uses of a public service, social or recreational nature, which, in the opinion of the Development Permit Board, are similar to the above.

### **II. Bonuses for a Provision of Social and Recreational Facilities**

Where a need for any public, social, or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may authorize, for any building which includes one or more of such facilities, an increase in the permitted floor space ratio or density of a building, subject to prior approval by City Council.

In determining the increase in floor area or density that may be authorized, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
- (b) any costs to the developer of continuing maintenance required for the facility;
- (c) the rental value of the increased floor area;
- (d) the value of any authorized relaxation of other restrictions.

If appropriate, such facilities shall be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.



## Section 7 – Public Realm Design

The purpose of this section is to help create distinctive areas and neighbourhoods in the Downtown through the enhancement of the public realm with special treatment of the streetscape.

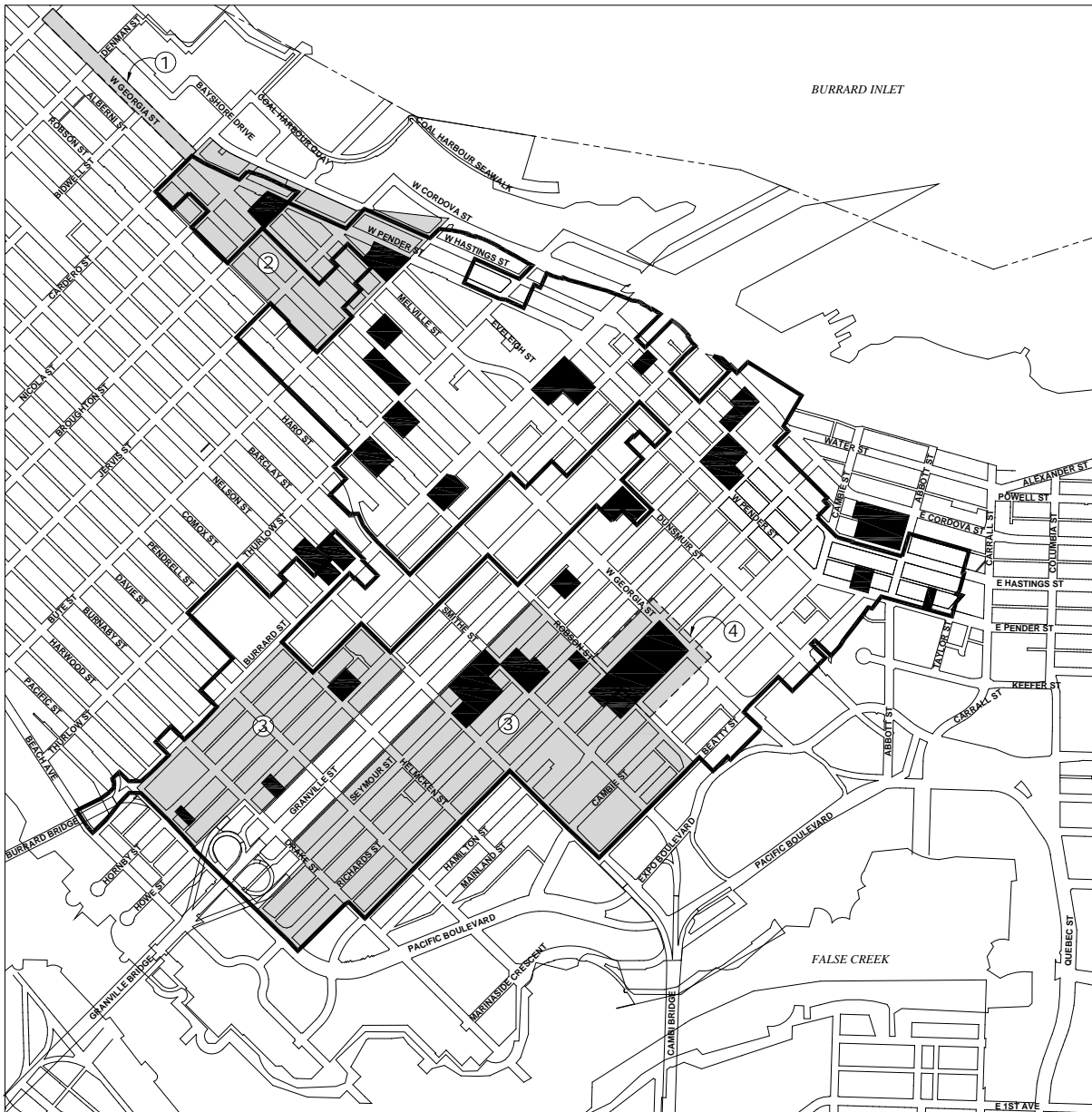
The City has developed plans and guidelines for the design of the public realm for those areas highlighted on Map 6.

In addition to park designs and the normally required street designs, special public realm designs shall be provided in the denoted areas.

Buildings, semi-public open spaces and setback areas should be designed and detailed to complement the design of the public realm. Streetscape designs as outlined in Council-adopted guidelines, manuals, and policies, will form an integral part of development permit applications.

Aspects to consider include, but are not limited to: setback requirements, paving, lighting, planting, driveway crossings, pedestrian entrances and walks, seating, display windows, weather protection, garbage storage, and loading facilities.

Downtown District Map 6 - Public Realm Areas



— Downtown District Zoning Boundary

■ Area not zoned DD

Council - Approved  
Public Realm Areas:

- ① Georgia Street - West End
- ② Triangle West
- ③ Downtown South
- ④ Library Precinct



## Map showing the proposed changes to the Downtown Official Development Plan

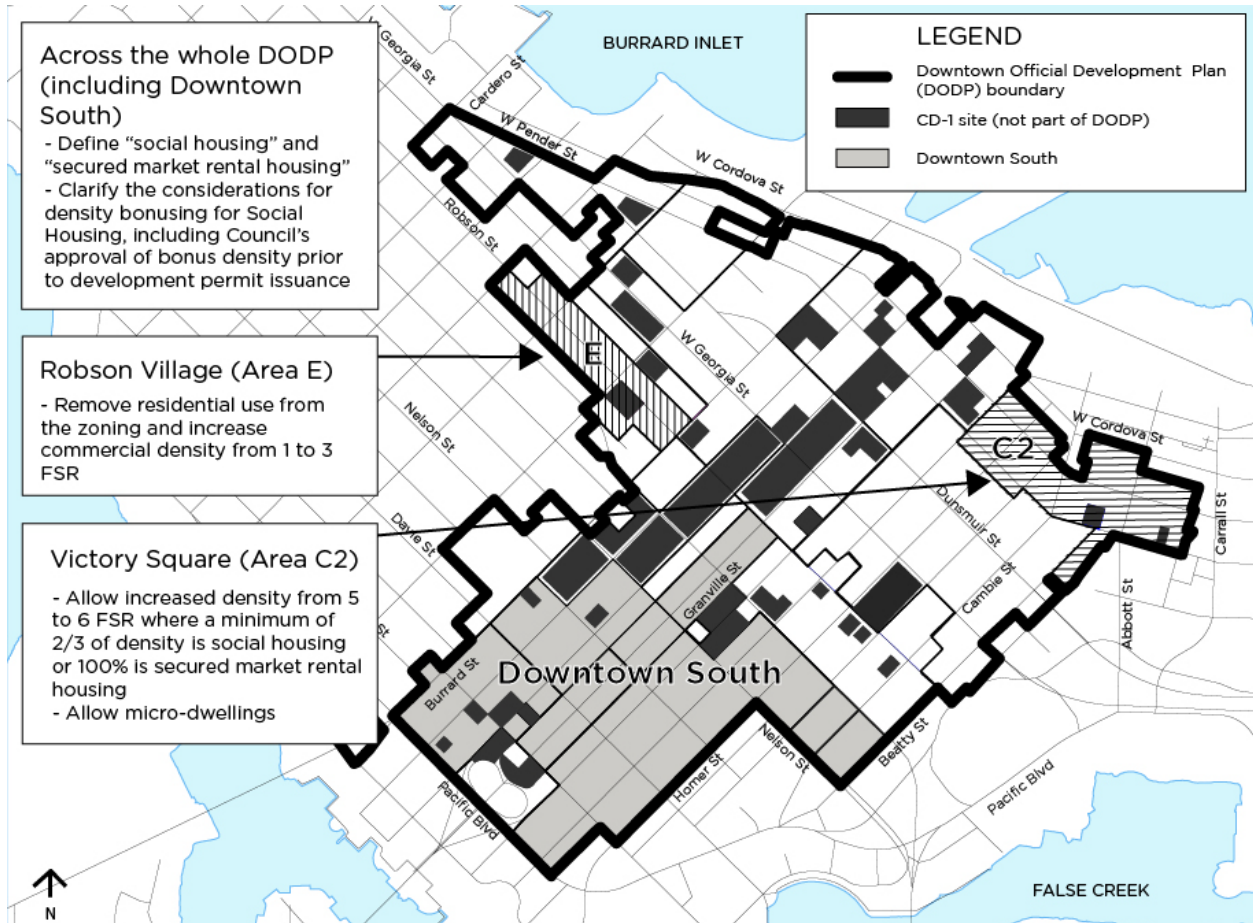


Figure 2: DODP boundaries with the Robson Village (Area 'E') and Victory Square (Area 'C2') areas in hatching and Downtown South shaded, including a summary of proposed changes.

**Downtown Official Development Plan (DODP) - Allowable Density by Area through a Development Permit Process (does not apply to rezoning)**

(see Figure 2 in Appendix A for area locations)

DODP Area	Conditional density (FSR) (Director of Planning/Development Permit Board approval)	Bonus density (FSR) (Development Permit Board approval)	Bonus density (FSR) (Council approval)
A	11 commercial	For hotels +15% For heritage amenity +10%	Where providing low cost housing bonus density is based on cost recovery of amenity and design of building
B	9 commercial	For hotels +15% For heritage amenity +10%	
C1	7 commercial	For hotels +15% For heritage amenity +10%	Council approves additional density for social housing prior to development permit issuance by Development Permit Board
C2	5 (3 residential) <i>Proposed in this report: 6 for 100% rental housing or &gt;2/3 social housing (requires 1 FSR of commercial)</i>	For heritage amenity +10%	
C3	5 (min 2 of commercial)	For hotels +15% For heritage amenity +10%	
C4	5	For hotels +15% For heritage amenity +10%	
E	3 (1 commercial) <i>Proposed in this report: 3 commercial</i>	For heritage amenity +10%	
F	9 commercial	For hotels +15% For heritage amenity +10%	
G	6 (5 office)	For heritage amenity +10%	
H	6 (max of 3 residential, min of 2 commercial)	For heritage amenity +10%	
J	3	For heritage amenity +10%	
K1	3.5 commercial	For heritage amenity +10%	
K2	3.5 commercial	For heritage amenity +10%	
K3	3.5 commercial	For heritage amenity +10%	
L1	3 (5 with >2/3 social housing or on large sites)	For heritage amenity +10%	Where providing low cost housing bonus density is based on cost recovery of amenity and design of building
L2	3 (5 with >2/3 social housing or on large sites)	For heritage amenity +10%	
M	3 (5 with >2/3 social housing or on large sites)	For heritage amenity +10%	Council approves additional density for social housing prior to development permit issuance by Development Permit Board
N	5 (1 of commercial)	For heritage amenity +10%	
O	7 (6 for office)	For hotels +15% For heritage amenity +10%	

Table 2: Allowable Density by DODP Area through a development permit process (not applicable to rezoning applications). Proposed DODP changes shown in *bold/italics*.

Notes:

- The Development Permit Board can relax the allowable density for new projects that retain and restore heritage buildings.