

EXPLANATION

A By-law to amend the Downtown Official Development Plan regarding housing definitions

After the public hearing on March 24 and March 26, 2015, Council resolved to amend the Downtown Official Development Plan to repeal similar previous amendments and enact new housing definitions applicable within the DODP. The enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
March 26, 2015



BY-LAW NO. _____

A By-law to amend Downtown
Official Development Plan By-law No. 4912

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

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, which may include households such as those that receive Income Assistance or rent supplements or basic Old Age Security pension and Guaranteed Income Supplement or disability assistance or War Veterans Allowance;
- (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, provided that such housing commitments must meet subsection (a) and, if financially viable, may exceed subsection (a) in order to address local needs;

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."
7. 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.
8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 26th day of March, 2015

Mayor

City Clerk