



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: May 30, 2017
Contact: Karen Hoese
Contact No.: 604.871.6403
RTS No.: 12050
VanRIMS No.: 08-2000-20
Meeting Date: June 13, 2017

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Enabling Innovative Development with Social Housing - Amendments to the Downtown-Eastside/Oppenheimer Official Development Plan (DEOD ODP)

RECOMMENDATION

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend the Downtown-Eastside/Oppenheimer Official Development Plan (DEOD ODP), generally to:
- (i) Include a definition for local economic development use;
 - (ii) In sub-area 1 (Main and Hastings), enable the development of other priority uses in combination with social and secured market rental housing within the current overall maximum density;
 - (iii) In sub-areas 1, 2, 3, and 4, allow existing priority uses to expand to a maximum of 1.5 FSR; and
 - (iv) In sub-areas 1, 2, 3 and 4, introduce a relaxation by the Director of Planning to the current maximum site width (i.e. site frontage) on the condition that 100% of housing units are social housing;

FURTHER THAT the application be referred to a public hearing;

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 public hearing.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

The Downtown Eastside (DTES) Plan prioritises the Oppenheimer District for “implementation of actions and strategies related to social housing, local economic development, community health and wellbeing needs and issues” (Policy 6.5.5 in the DTES Plan).

Currently, there is a density limit, at 1.0 Floor Space Ratio (FSR), for uses other than housing in sub-area 1 (Main and Hastings) in the Downtown Eastside Oppenheimer Official Development Plan (DEOD ODP). This limit restricts new innovative projects including uses that can significantly contribute to the health, well-being and local economic development needs in the neighbourhood, in addition to housing.

Further, the ODP prescribes a maximum width of development sites (i.e. site frontage) in all sub areas for projects seeking bonus height and density for social housing. Projects on sites that exceed this maximum must apply for a rezoning, or subdivide the site and construct multiple, smaller buildings. This affects the delivery of social housing by causing delays and adding costs.

Accordingly, staff are recommending the following amendments to the DEOD ODP:

- To add a definition for “local economic development”;
- In sub-area 1 (Main and Hastings), enable development of other priority uses on corner sites in combination with social and rental housing within the current overall maximum density;
- In sub-areas 1, 2, 3, and 4, allow existing priority uses to expand to a maximum of 1.5 FSR; and
- In sub-areas 1, 2, 3, and 4, introduce a relaxation by the Director of Planning to the current maximum site widths (i.e. site frontage) on the condition that 100% of the housing units be social housing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Downtown Eastside Plan (2014)
- Rezoning Policy for the Downtown Eastside (2014)
- Downtown Eastside Housing Plan (2005)
- Downtown-Eastside/Oppenheimer Official Development Plan (adopted 1982, last amended 2015)
- Downtown-Eastside/Oppenheimer Design Guidelines (adopted 1982, amended 1992)

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

Delivering affordable housing and innovative economic development are critical components of the local area plan (LAP). The recommendations contained within the report will enable these and other elements of the LAP. The City Manager recommends approval of the foregoing.

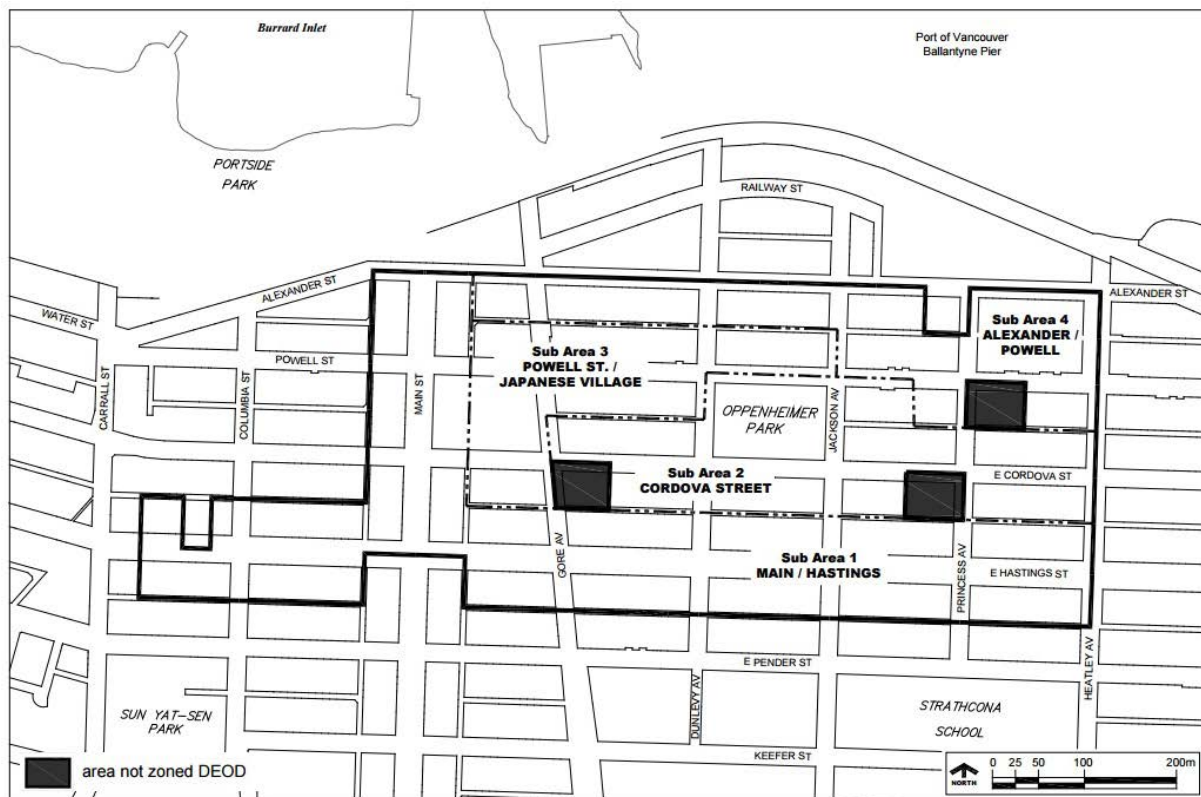
REPORT

Background

The Downtown Eastside Plan recognises the Oppenheimer District as an extremely important part of the neighbourhood, accommodating many vulnerable low income residents and home to mixed use commercial and light industrial businesses (refer to figure 1). The plan prioritises actions and strategies related to social housing, local economic development, community health and wellbeing.

The DEOD ODP and the companion design guidelines provide regulations and guidance for developments in this neighbourhood. The DEOD neighbourhood is divided into four sub-areas, each with specific regulations on the uses, density and physical forms of developments.

Figure 1 Map of Downtown Eastside Oppenheimer District (DEOD) with Sub-Areas



Current DEOD ODP

In the DEOD ODP, the maximum density for any use is 1.0 FSR. The ODP achieves the DTES Plan housing goals by requiring that all development in the DEOD above 1.0 FSR is comprised of social and secured market rental housing. Further, as a measure to manage the scale of new developments, maximum site widths (i.e. site frontage) apply to sites seeking bonus height and density through a development permit process. Site frontage limits can be overcome through a rezoning process.

In the three years since the approval of the plan, a number of proposals have been submitted to the City for mixed use developments with health and community related uses and social and secured market rental housing above. However, these projects have not progressed because of the current provisions of the ODP. For example, there were proposals for two sites at the intersection of Hastings and Gore. Both proposals include important community health and well-being uses that are not possible under the current DEOD ODP.

Two key issues have been identified that present challenges to such developments, namely the existing limits on non-residential uses, and on the width of development sites (i.e. frontage).

Limit on non-residential uses

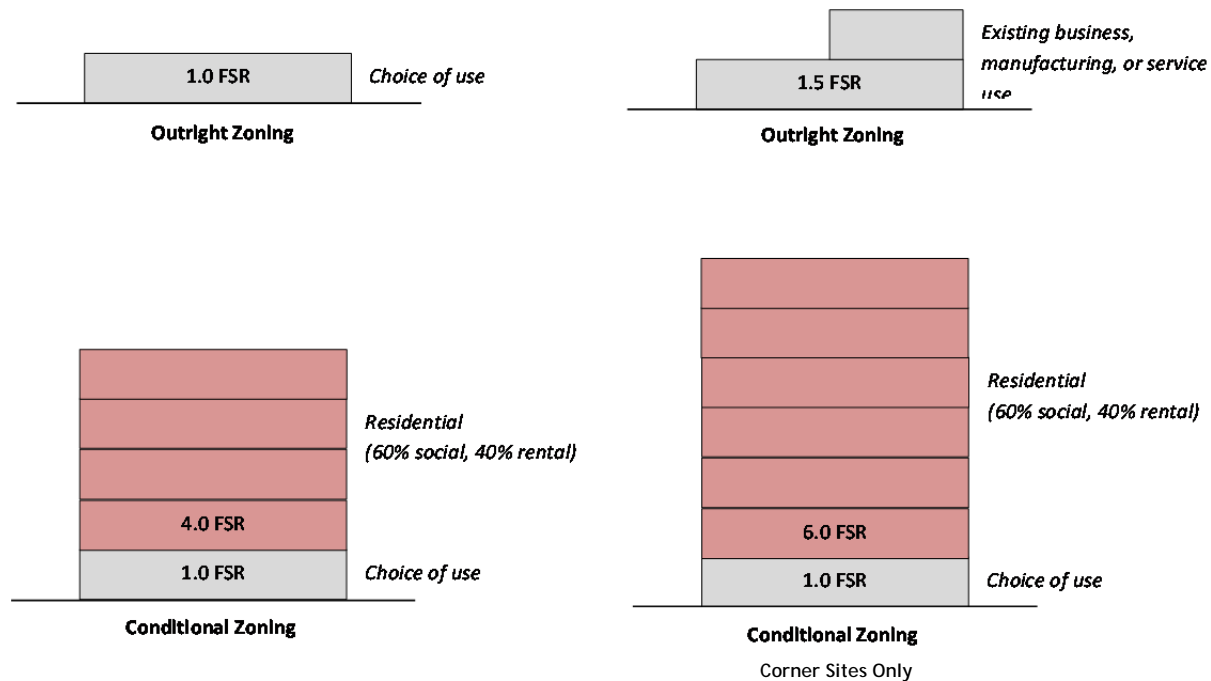
The current ODP allows a number of options for development in sub-area 1 depending on the proposed uses and site location. (See Figure 2)

In sub-area 1, the 1.0 FSR maximum on uses other than housing does not allow for innovative mixed use projects that could achieve other local area priorities such as health and well-being or local economic development.

- This limit affects development of new mixed-use projects, as well as existing sites that contain important health and well-being uses that wish to redevelop to renew aging facilities.
- Further, this restriction applies even if the proposed project conforms to the overall height and density limit of the ODP and includes social and secured market rental housing as part of the project.
- There is no recourse through the rezoning policy to overcome this limit.

In all sub-areas, the ODP allows existing retail, service, manufacturing or wholesale uses and accessory uses to expand beyond the 1.0 FSR limit to 1.5 FSR. This option is not currently available to other local area priority uses such as health and well-being or local economic development.

Figure 2 Current development options in sub-area 1



Limit to width of development sites (i.e. frontage) in sub-areas 1, 2, 3 and 4

In sub-area 1, the maximum site frontage is limited to 30.5m (100ft) for corner sites seeking conditional height and density. In sub-areas 2, 3 and 4, the maximum site frontage is limited to 45.7m (150ft) for sites seeking conditional height and density.

- Some sites are wider than the maximum permitted site frontage limit. These sites must apply for rezoning to overcome this limit, which can add to the time and costs of the project. This frontage limit particularly affects projects that want to maximize social housing delivery and affordability.

Strategic Analysis

Proposed amendments

The intent of this report is to recommend minor amendments to the DEOD ODP to provide greater flexibility so that innovative mixed-use projects can be considered under a development permit process. (Refer to the proposed amendments to the ODP in Appendix A.)

The intent of the proposed changes to the ODP is to:

- Enable mixed use projects to achieve multiple DEOD priorities, including local economic development, community health, wellbeing and social housing by providing greater flexibility in the ODP; and
- Maintain development capacity specifically targeted to social housing.

Proposed changes to DEOD subareas are summarized in Table 1 and described below.

Table 1 Policy Intent and Proposed Changes to DEOD Sub-Areas

Sub-Area:	Policy Intent:	Proposed Changes:
Sub-Area 1	High-density, mixed-use gateway to Downtown	Provide an option for local economic development, community health and wellbeing uses to go up to 3.5 FSR. Allow developments that provide 100% of residential units as social housing to be exempt from maximum frontage restrictions. Allow existing local economic development, community health and wellbeing uses to expand to a maximum of 1.5 FSR.
Sub-Area 2	Medium-density, residential area	Allow developments that provide 100% of residential units as social housing to be exempt from maximum frontage restrictions. Allow existing local economic development, community health and wellbeing uses to expand to a maximum of 1.5 FSR.
Sub-Area 3	Medium-density, mixed residential-commercial area	
Sub-Area 4	Medium-density, mixed residential-industrial area	

a. Add definitions regarding local economic development

This report proposes adding the following text to section 1 of the ODP to define goals of local economic development:

- *Create employment, especially low barrier jobs, through inclusive, social impact hiring and local employment opportunities.*
- *Encourage enterprises operating as social enterprises or co-operatives that create jobs, job space and opportunities for services and training.*
 - *Social enterprises are businesses with a formal, mission-based, and direct relationship to a non-profit or charity (i.e. owned by a non-profit, or formally partnered with a non-profit to ensure profits from the venture support the mission of that organization). Social enterprises can also be a non-profit or charity directly engaging in fee for service or the making and selling of goods itself, or a Community Contribution Company if registered as such with the Province.*
 - *Co-operatives are a form of business ownership where the consumers, producers or workers of a company are also the owners. Often times Co-ops were formed to serve a specific community need. In British Columbia Co-operatives that are pursuing mission based impacts similar to charities and non-profits can be specifically registered as Community Services Co-ops. Community Services Co-ops cannot issue investment shares and are formed explicitly to provide health, social or educational and other community services.*

The goals of health and well-being uses are already included in Section 1 and no additional amendments are proposed.

Examples of uses that meet the intent of local economic development, health and well-being of the community may include, but are not limited to:

- A community health clinic.
- A community amenity space with recreational and social programs for local residents.

- A local economic development hub operated by a non-profit organization providing support to local residents for employment.
- A local-serving retail store employing local residents and operating as a social enterprise or co-operative.

A wide variety of uses that support community health, well-being and local economic development are already permitted in the DEOD ODP, under "Uses", Sections 4.2, 5.2, 6.2 and 7.2. Therefore, this report does not propose changes to these sections of the ODP.

b. Changes to non-residential uses

This report recommends amending Section 4.5.1 (b) to change the permitted mix of uses above 1.0 FSR for corner sites only in sub-area 1, as follows:

- Provide an option for local economic development, community health and wellbeing uses up to 3.5 FSR (within the current maximum of 7.0).
- At least 50% of the total project floor area must be for housing and a minimum of 60% of the units must be for social housing and the remaining 40% for secured market rental housing.
- The current overall maximum of 7.0 FSR for corner sites remains unchanged.

The report also recommends amending Sections 4.5.2, 5.5.2, 6.5.2 and 7.5.2 to allow existing local economic development, community health and wellbeing uses to expand to a maximum of 1.5 FSR in all sub-areas.

Consistent with the intent to leverage housing in new development, non-residential uses continues to be limited to 1.0 FSR when they are stand-alone uses in projects without housing.

The exceptions to this are retail, service, manufacturing or wholesale uses, which can be stand-alone, and are limited to 1.5 FSR for expansion of existing businesses as already stipulated in the ODP and the DTES Plan. This report recommends extending this ability to expand to include local economic development, community health and wellbeing uses to expand to a maximum of 1.5 FSR.

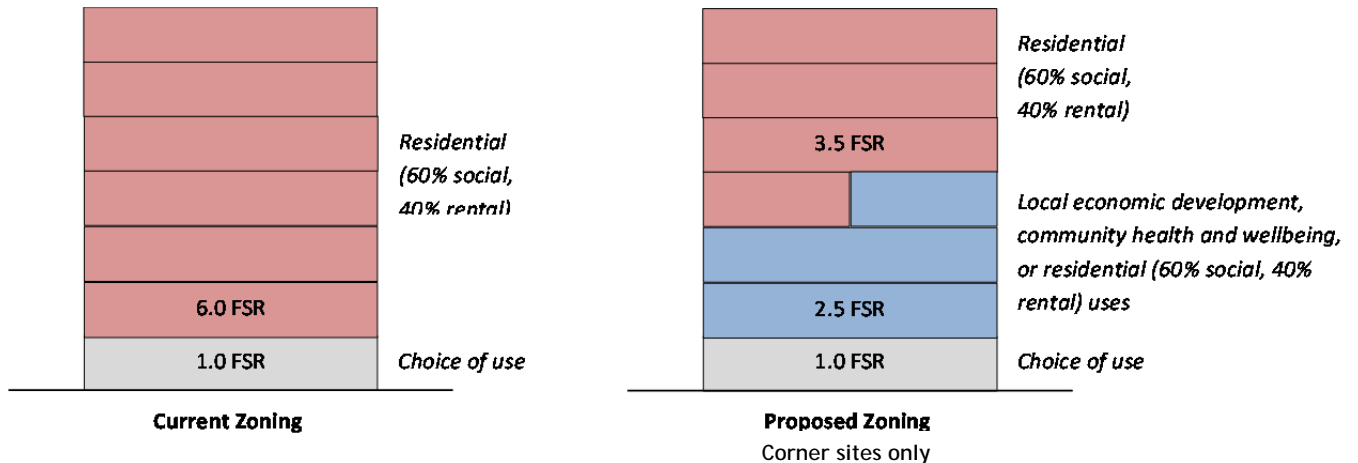
The change to the mix of uses is recommended for corner sites in sub-area 1 only because corner sites in this sub-area can achieve higher density (at 7.0 FSR) than midblock sites (at 5.0 FSR). There is still significant capacity to deliver housing on corner sites, after allowing an increase in non-housing uses. The change to mix of uses is not recommended for mid-block sites to maintain housing capacity on these sites.

Despite nominally limiting the amount of floor area which may be developed for social and rental in sub-area 1, the benefits accruing from allowing other priority uses could be regarded as significant benefits to the community. Such uses include developing, upgrading or replacement of ageing social service facilities which serve the well-being of the community, and local economic development investments for job creation for vulnerable residents and health facilities. These benefits and the housing units might not be realised at all if the ODP remains unchanged.

There are a total of 32 corner sites in sub-area 1. Out of these sites, 5 sites are assessed to be low-barrier sites that are more likely to be redeveloped. The change to the mix of uses in

sub-area 1 on these low-barrier sites represents up to an additional 126,000 sqft of floor area that could be used for local economic development, community health and wellbeing purposes instead of housing only.

Figure 3 Proposed changes to sub-area 1



c. Changes to site frontage limit in to sub-areas 1, 2, 3 and 4

Further, this report recommends allowing a relaxation to the maximum site frontage of 30.5m (100ft) in sub-area 1 and 45.7m (150ft) in sub-areas 2, 3 and 4 for projects that deliver 100% social housing. Note that the current maximum site frontage is only in effect for corner sites seeking the maximum density of 7.0 FSR. There is no maximum site width for mid-block sites.

These changes are included as Sections 4.5.3, 5.8.4, 6.8.4, 7.8.4 in the ODP. (Refer to the amended ODP in Appendix A.)

Providing a relaxation to maximum site frontage for projects with 100% social housing will allow these projects to deliver social housing at scale, reduce delays and decrease cost by removing the requirement of a rezoning process. By providing opportunities to exempt these limits, an incentive for the delivery of 100% social housing in the DEOD is created through a simpler, streamlined process.

There are six sites with a width of over 30.5m (100ft) in sub-area 1 and three sites with a width over 45.7m (150ft) in sub-areas 2, 3 and 4 that this change will affect.

Overall, these changes will help accelerate achievement of multiple DEOD priorities by providing greater flexibility in the ODP.

Implications/Related Issues/Risk

The proposed amendments to the by-law would reduce development risks, facilitate more innovative developments and funding options for new social housing and other priority uses that are currently not possible in the DEOD ODP.

The design and form of new developments on wider lots can be managed through applying existing form of development policies and the *Downtown-Eastside/Oppenheimer Design*

Guidelines. Further, the *Hastings Street and Kiwassa Design Guidelines* are being developed and will include design strategies to mitigate the appearance of buildings on wider lots on Hastings Street. Strategies could include designing the façade to look like multiple buildings, varying the heights within a development, and dividing the ground floor units into narrower widths. The new *Hastings Street and Kiwassa Design Guidelines* are anticipated to be completed in fall 2017.

Financial

The proposed amendments are intended mainly to enhance the viability of developments and enable more innovative funding options for new social housing projects in the DEOD ODP area. Any non-social housing use will be subject to applicable DCL rates.

CONCLUSION

The proposed amendments to the ODP would facilitate more innovative developments and funding options for new social housing and other priority uses by providing greater flexibility in the ODP.

Adopting the proposed amendments would enable developments that meet DEOD priorities on a number of sites and accelerate achieving housing goals in the DTES Plan.

* * * * *

Draft Amendments to the Downtown Eastside/Oppenheimer Official Development Plan

- 1. Council amends the DEOD ODP generally as presented below, by deleting the strikeout text in red and adding the underlined text in red

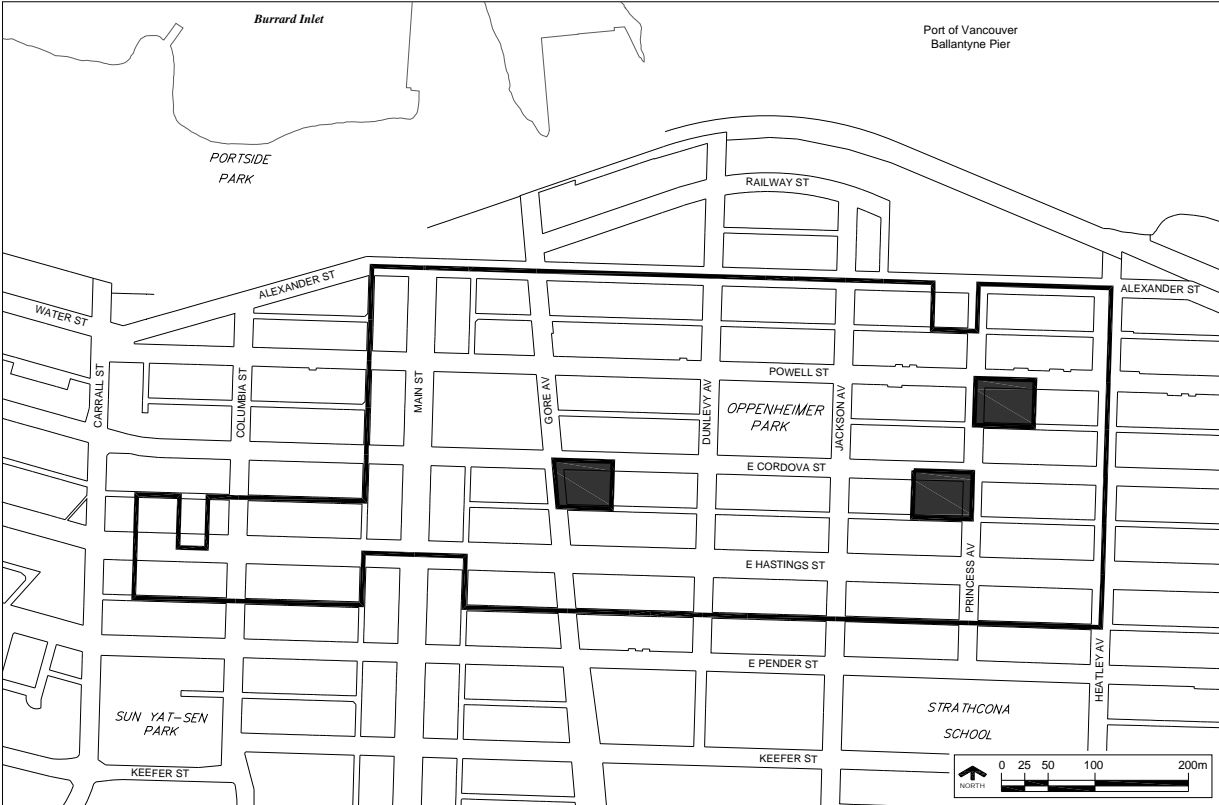
DOWNTOWN-EASTSIDE/OPPENHEIMER
OFFICIAL DEVELOPMENT PLAN
(Adopted by By-law No. 5532, April 20, 1982)


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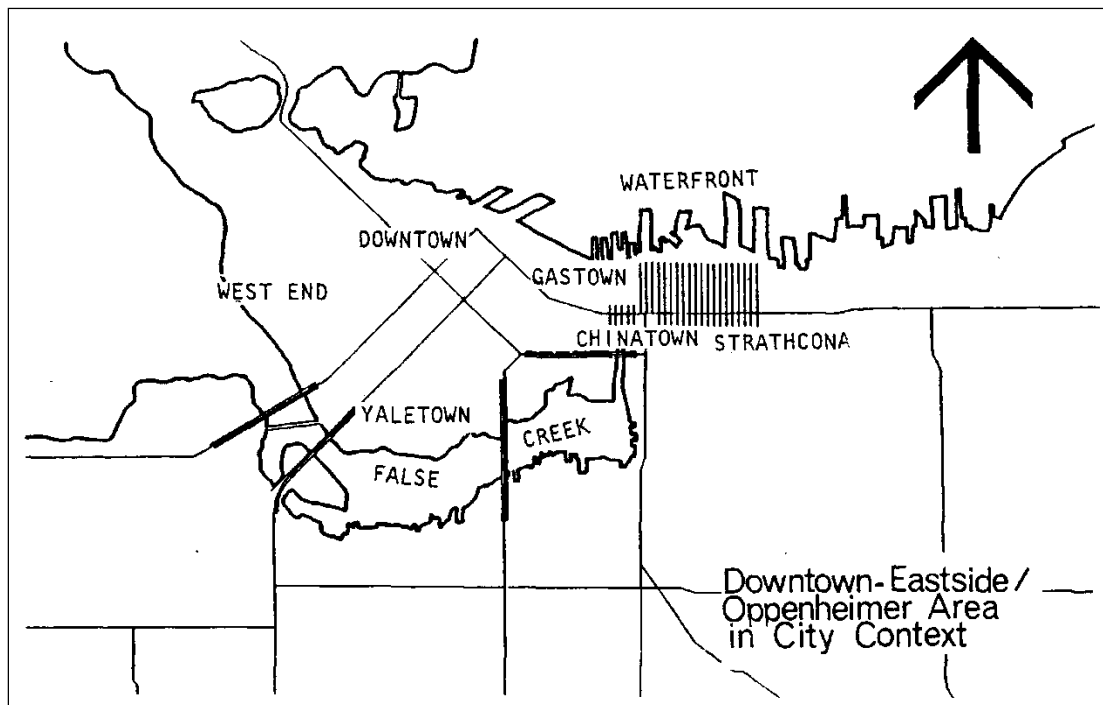
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Downtown-Eastside/Oppenheimer Official Development Plan

A By-law to regulate the development of that part of the City of Vancouver for which the zoning district is described as “Downtown-Eastside/Oppenheimer District (DEOD)”.



 area not zoned DEOD



Preamble

The Downtown-Eastside/Oppenheimer area, a small downtown neighbourhood surrounding Oppenheimer Park, is unique for its historic character, its ethnic diversity and its wide range and mix of land uses and buildings. It is bounded on the west by Gastown, on the south by Chinatown and Strathcona, on the north by the waterfront and on the east by an industrial district (see map above).

On March 15, 2014, Vancouver City Council adopted the **Downtown Eastside Local Area Plan**, which contains additional goals and policies addressing the social, physical, historical and economic issues pertaining to this area and neighbouring areas.

To implement those policies in the Policy Plan related to land use and development, Council agreed that the zoning should be changed to an Official Development Plan in order to provide a decision-making process which permits greater citizen involvement, while recognizing the significance and uniqueness of the area in the overall City context. This document, the **Downtown-Eastside/Oppenheimer Official Development Plan**, along with a companion document on character area guidelines, will provide the guidance necessary for the development of specific sites in this area.

Section 1 Application and Intent

1.1 Goals

The following goals, established to form the basis for the planning and development of the Downtown-Eastside/Oppenheimer District, have been adopted by City Council as part of the **Downtown-Eastside/Oppenheimer Policy Plan** (1982) and as part of the Downtown Eastside Local Area Plan (2014):

Housing

- 1) Retain existing and provide new affordable housing for the population of the Downtown-Eastside Oppenheimer area.
- 2) Upgrade the quality of the existing housing stock to City standards.
- 3) Increase the proportion of self-contained dwelling units, through rehabilitation and new construction.

Commercial Uses

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

Industrial Uses

- 5) Retain existing industrial operations and establish co-operative and positive liaison with industrial firms to encourage a high standard of physical maintenance, general amenity, and compatibility with nearby residential and other uses without detrimentally affecting the continued economic viability of the industrial operation.
- 6) Encourage new industries which are compatible with the mixed-use character of the area.

Non-Conforming Uses and Buildings

- 7) Reduce the negative effects of non-conforming uses and buildings, and phase them out over the long term.

Public Open Space/Views

- 8) Increase the amount of public open space and provide more outdoor recreation opportunities.
- 9) Enhance the public enjoyment of the waterfront and views to the North Shore and mountains.

Community Services/Facilities

- 10) Provide preventative health care and treatment services that meet the specialized neighbourhood needs.
- 11) Increase the level of public safety for residents, workers and visitors to the area.
- 12) Curtail the availability of alcoholic beverages, in view of the intimate connection between alcohol and violence in this area.
- 13) Encourage the provision of indoor recreation services.
- 14) Prohibit institutional uses and social service facilities which do not serve the immediate needs of the neighbourhood population.

Traffic, Transportation and Parking

- 15) Ensure a pattern of traffic movement within, through and adjacent to the Downtown-Eastside/Oppenheimer area that improves the character, pedestrian safety and quality of life in the area.
- 16) Encourage greater use of public transit by workers and local shoppers from outlying areas.
- 17) Discourage commuter parking.

Japanese-Canadian Community

- 18) Recognize the cultural contribution of the Japanese-Canadian community to the City of Vancouver and reinforce their historic identification with the Oppenheimer area.

Heritage Conservation

- 19) Preserve and enhance the heritage character of the Downtown-Eastside/Oppenheimer area and recognize its historical significance in the evolution of Vancouver.

Community Involvement

- 20) Ensure that Downtown-Eastside/Oppenheimer area residents, property owners, merchants and workers are consulted on local planning and development matters and on the implementation of capital improvement projects.

Aboriginal Community

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

Local Economic Development

- 22) Create employment, especially low barrier jobs, through inclusive, social impact hiring and local employment opportunities.
- 23) Encourage enterprises operating as social enterprises or co-operatives that create jobs, job space and opportunities for services and training.
 - Social enterprises are businesses with a formal, mission-based, and direct relationship to a non-profit or charity (i.e. owned by a non-profit, or formally partnered with a non-profit to ensure profits from the venture support the mission of that organization). Social enterprises can also be a non-profit or charity directly engaging in fee for service or the making and selling of goods itself, or a Community Contribution Company if registered as such with the Province.
 - Co-operatives are a form of business ownership where the consumers, producers or workers of a company are also the owners. Often times Co-ops are formed to serve a specific community need. In British Columbia Co-operatives that are pursuing mission-based impacts similar to charities and non-profits can be specifically registered as Community Services Co-ops. Community Services Co-ops cannot issue investment shares and are formed explicitly to provide health, social or educational and other community services.

1.2 The Official Development Plan

The Official Development Plan for the Downtown-Eastside/Oppenheimer area is intended to control and guide the development of all uses in that part of the City of Vancouver for which the Zoning District is described as “Downtown-Eastside/Oppenheimer District (DEOD)”.

The Official Development Plan is intended to be used in conjunction with any policies and guidelines which Council may from time to time determine.

In order to provide effective guidance for the long-term development of the Downtown-Eastside/Oppenheimer area, the Plan should be reviewed from time to time to ensure that it accurately reflects the current public objectives. Such review should occur at least once every five years.

Section 1, Application and Intent, contains goals and describes the procedure for using this Development Plan for the Downtown-Eastside/Oppenheimer District.

Section 2, Definitions, contains definitions specific to this Development Plan.

Section 3, Sub-area Development Guidelines (General), identifies four sub-areas within the Downtown-Eastside/Oppenheimer District.

Sections 4, 5, 6 and 7 are the specific Sub-Area Development Guidelines. These sections provide detailed guidance with respect to the four sub-areas which have been identified within the Downtown-Eastside/Oppenheimer District. These development guidelines, together with the overall goals in section 1, and all applicable policies and guidelines adopted by Council, provide the necessary guidance for the preparation of a development proposal within the various sub-areas.

1.3 Interpretation

The Official Development Plan is subject to the interpretation of the Development Permit Board.

The goals as contained in section 1 represent the basic philosophy in planning the Downtown-Eastside/Oppenheimer District. Further, Council has also adopted the **Downtown-Eastside/Oppenheimer Policy Plan** which contains those goals and expands them into more descriptive policies.

The Sub-Area Development Guidelines, as contained in sections 4, 5, 6 and 7, represent the intent as to how the different sub-areas of the Downtown-Eastside/Oppenheimer District should be developed.

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.

1.4 Development Permit Application

Development permit applications shall be made in compliance with the provisions set out in the **Zoning and Development By-law, No. 3575**.

The Development Permit Board may at its discretion either approve, approve subject to conditions, or refuse development permit applications based on a review against the related goals, sub-area development guidelines, all applicable policies and guidelines adopted by Council, and the submission of any advisory group, property owner or tenant.

Section 2 Definitions

The definitions contained in section 2 of the **Zoning and Development By-law, No. 3575** shall apply to this Plan. The following definitions, extracted from section 2 of the **Zoning and Development By-law, No. 3575** are of particular relevance to this Plan.

2.1 Floor Space Ratio means 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.

2.2 Hotel means premises providing temporary accommodation by way of furnished sleeping, housekeeping or dwelling units.

The following definitions refer to terms used in this Official Development Plan and supplement definitions included in the Zoning and Development By-law.

2.3 Habitable Room means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes.

2.4 Micro dwelling means a self contained residential unit which is no less than 23.2 m² and no more than 29.7 m².

2.5 Residential means sleeping units, housekeeping units, one or two family dwellings, apartments, townhouses, seniors supportive or assisted housing, residential units associated with and forming an integral part of artist studios, boarding houses and rooming houses, but excludes a Community Care Facility – Class B, and Group Residence.

2.6 Retail Continuity means 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.

2.7 Secured Market Rental Housing means a development or part of a development, used only as market rental housing, which has a covenant or housing agreement registered against title restricting its use to market rental housing, for the longer of 60 years or the life of the building, or for such other term as may be agreed upon by the city and the owner.

2.8 Social Housing means rental housing:

- (a) in which at least 30% of the dwelling units are occupied by households with incomes below housing income limits, as set out in the current “Housing Income Limits” table published by the British Columbia Housing Management Commission, or equivalent publication;
- (b) which is owned by a non-profit corporation, by a non-profit 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 3 Sub-area Development Guidelines (General)

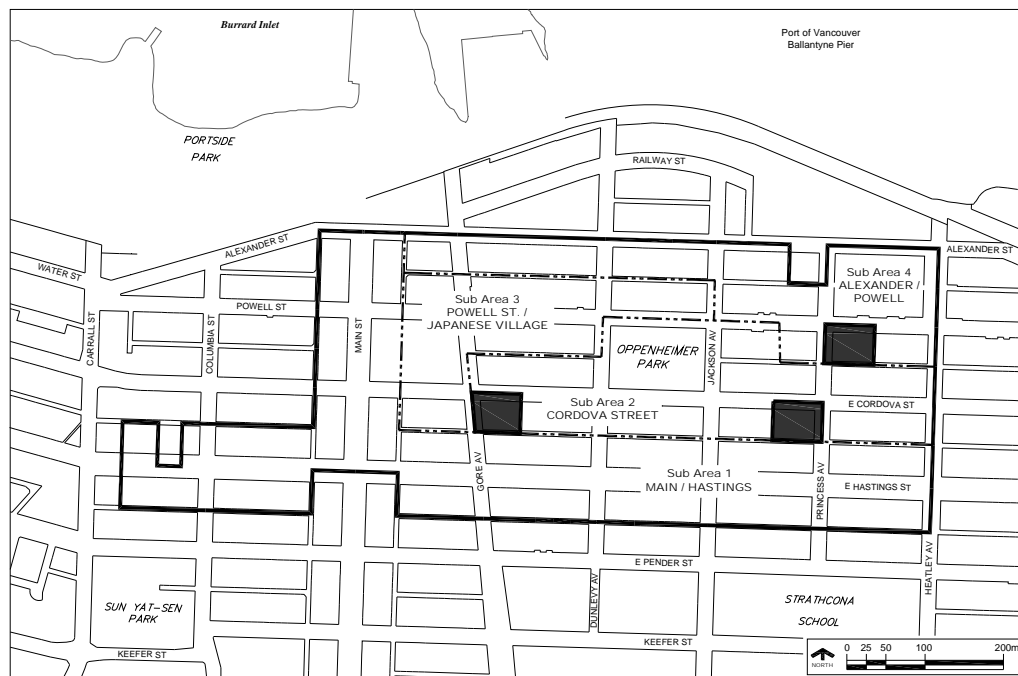
3.1 Intent


The Sub-Area Development Guidelines provide more detailed guidance with respect to the development of the four sub-areas which have been identified within the Downtown-Eastside/Oppenheimer District.

- Sub-area 1: Main/Hastings
- Sub-area 2: Cordova Street
- Sub-area 3: Powell Street/Japanese Village
- Sub-area 4: Alexander/Powell

The sub-areas are shown on the following map. Identification of these four sub-areas is based on:

- (a) existing land uses;
- (b) relationship to existing nearby character areas of Downtown, Gastown, Chinatown and the Strathcona neighbourhood;
- (c) projected future land uses.



 area not zoned DEOD

KEY PLAN showing DEOD and sub-areas

3.2 Interpretation

The Sub-Area Development Guidelines are all mandatory in the sense that any development permit application shall be measured against them. Flexibility and innovation are encouraged in the preparation of development proposals, and a significant degree of discretion is hereby given to the Development Permit Board in the interpretation of policies. In all instances, approval of a development permit application shall be subject to the form, location and any

special characteristics being in conformity with the intent of this Plan, all applicable policies and guidelines adopted by Council, and to such other conditions and regulations not inconsistent therewith which the Development Permit Board in its discretion may prescribe.

3.3 General Conditions of Use

All regulations and conditions of use set out in the Zoning and Development By-law that affect uses set out in this Plan apply.

Section 4 Sub-area 1 Main/Hastings

4.1 Intent

The development of the Main/Hastings sub-area, outlined on Map 1, should further establish its importance as a gateway to the Downtown, and help to clarify the functions of the adjacent Historic Areas of Gastown and Chinatown and the Oppenheimer and Strathcona residential neighbourhoods.

Therefore, this area is intended to be a high-density, mixed commercial and residential area, appropriate for a mix of office, retail, local social services, and other similar uses.

Residential uses are also permitted. Pedestrian-oriented uses, primarily retail and restaurant, are encouraged at ground level with an emphasis on continuity of facade and narrow frontages for individual uses on Main Street from Hastings to Cordova and along Hastings Street from Carrall to approximately Dunlevy.

The retention and upgrading of existing multi-unit residential buildings is encouraged. The development of new residential units on upper floors of buildings is encouraged through a floor space bonus system. Special design measures, however, should be undertaken to mitigate the air and noise pollution problems.

4.2 Uses

The following uses, and others accessory thereto, may be permitted, subject to the CONDITIONS OF USE and to such conditions or regulations as may be prescribed by the Development Permit Board:

- (a) Office commercial, except that:
 - (i) on the ground floor, any office commercial use shall be limited to a financial, law, insurance, travel agency, medical-dental or real estate office; and
 - (ii) on floors above the ground floor, construction for office commercial use shall only be permitted if a minimum of 50 percent of the floor area created after April 20, 1982 is developed for residential purposes.
- (b) Retail commercial, including class 1 restaurants but not including a liquor store.
- (c) Other commercial, including, but not necessarily limited to, a business or vocational school, a drama or dance academy, a billiard hall, bowling alley, steam bath, photography studio, theatre, artist studio, or sign or showcard painting, but not including a hotel, restaurant - class 2, cabaret or neighbourhood public house.
- (d) Residential, with an emphasis on self-contained units.
- (e) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.
- (f) Community Care Facility – Class B and Group Residence.
- (g) Light industrial, including, but not necessarily limited to the following, provided that all manufacturing and storage takes place within a wholly enclosed building, and provided that the Development Permit Board is satisfied that the use is compatible with the mixed use character of the area:

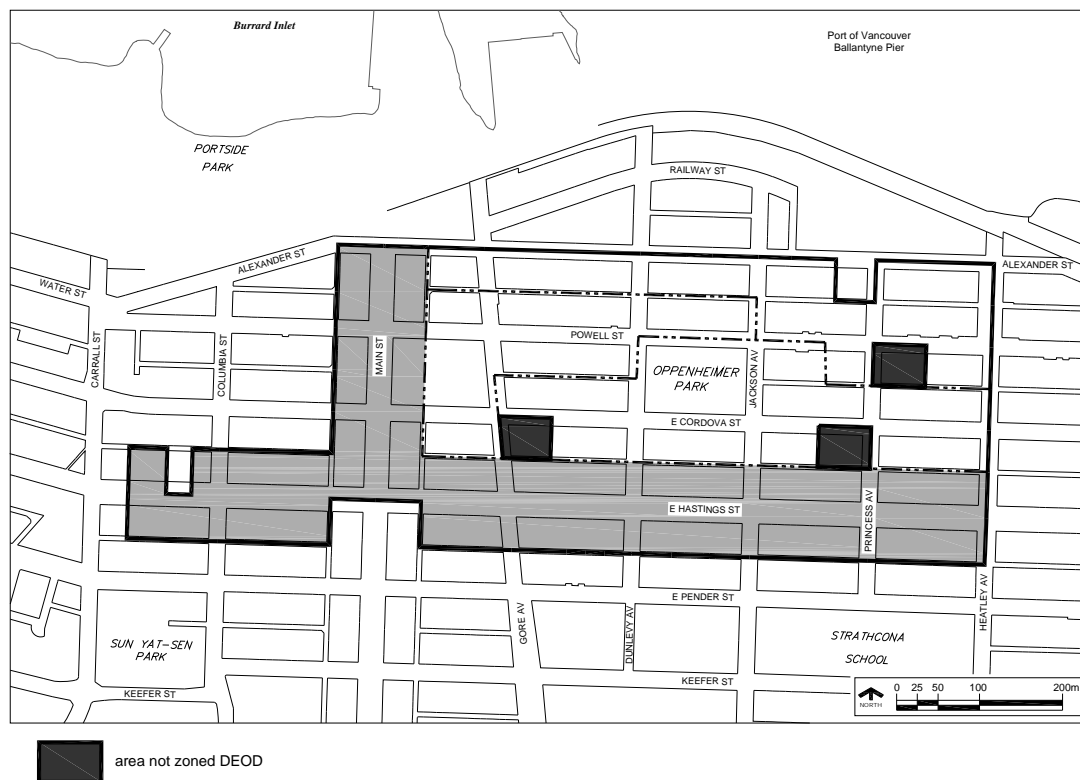
Lithography; printing; publishing; warehousing; wholesaling; food or beverage product manufacturing (but not involving the milling of grain, rice, malt; the refining of sugar; the refining of vegetable oil or fat; the brewing or distilling of alcoholic beverages; the processing of fats, bones, hides, skins, offal, or animal products of a like nature; the use of fish; or the use of live animals or live poultry);

manufacturing of miscellaneous light products, including brooms or brushes; jewelry or silverware; musical instruments; novelties, decorations or ornaments; scientific or professional equipment; signs or displays; stationery supplies or office supplies; toys; window shades or blinds.

- (h) Live-Work Use, subject to section 11.23 of the Zoning and Development By-law.
- (i) Building or uses required to serve the educational, cultural, health, social or recreational, local economic development needs of the local community and not otherwise permitted.
- (j) Medical Marijuana-related Use, subject to section 11.28 of the Zoning and Development By-law.
- (k) Any other use which is not specifically listed herein, but which the Development Permit Board considers comparable in nature, having regard to the intent, goals and policies of this Plan.

Downtown-Eastside/Oppenheimer District Map 1

Sub-Area 1 Main/Hastings



4.3 Conditions of Use

The following conditions of use, in addition to such other conditions as the Development Permit Board may decide, shall apply:

- (a) a person must not convert all or part of a hotel or other residential use, existing as of April 20, 1982, to an office, other commercial, or live-work use; and
- (b) any development permit issued for live-work use must stipulate as permitted uses:
 - (i) dwelling unit;
 - (ii) beauty and wellness centre, general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and
 - (iii) dwelling unit combined with any use set out in clause (ii).

4.4 Retail Continuity

Where indicated on Map 2, only retail and similar uses, and lawyers' offices, shall be permitted on the ground floor along the street frontage so identified; and retail and similar uses shall be encouraged on the other street frontages so identified.

4.4A Exception to retail continuity

Despite anything to the contrary in this Downtown-Eastside/Oppenheimer 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 subject to development permits limited in time as required by the Development Permit Board or Director of Planning.

4.5 Density

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

- (a) to a maximum floor space ratio of 5.0, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
- ~~(b) to a maximum floor space ratio of 7.0 on corner sites, if:
 - ~~(i) at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing;~~
 - ~~(iii) the corner site has a frontage no greater than 30.5 m, and~~
 - ~~(iv) the Development Permit Board first considers:
 - ~~(a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and~~
 - ~~(b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas.~~~~~~
- (b) to a maximum floor space ratio of 7.0 on corner sites, if:
 - (i) a maximum of 2.5 floor space ratio above a floor space ratio of 1.0 is developed as uses listed in 4.2 (i), Community Care Facility – Class B and Group Residence, Health Care Office and Health Enhancement Centre and accessory uses;
 - (ii) no less than 50% of the total gross floor area is developed as residential; where at least 60% of the residential units comprising not less than 40% of the gross residential floor area are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross residential floor area are developed as secured market rental housing;
 - (iv) the corner site has a frontage no greater than 30.5 m, and
 - (iv) the Development Permit Board first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas.

- 4.5.2 Despite the provisions of subsection 4.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses, **and uses listed in 4.2 (i)** and accessory uses, if:
- (a) the uses are existing as of April 29, 2014;
 - (b) the uses are located on a site existing as of April 29, 2014; and
 - (c) there is no conversion of existing residential floor area.

4.5.3 Despite the provisions of subsection 4.5.1, the Director of Planning or the Development Permit Board may relax the site frontage maximum of 30.5m, if:

- (a) **all residential units are social housing;**
- (b) **enforcement will result in unnecessary hardship;**
- (c) **the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and**
- (d) **the Director of Planning or the Development Permit Board considers the submission of any advisory group, property owner or tenant.**

4.5.34 The following shall be excluded in the computation of floor area:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Development Permit Board, are similar to the foregoing and contribute to the amenity or environment of the Downtown-Eastside/Oppenheimer District, provided that the total area of all exclusions does not exceed eight percent of the provided residential floor area;
- (b) 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;
- (c) patios or roof gardens provided that any sunroofs or walls are approved by Director of Planning;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) for exterior walls in laneway houses and in one and two-family dwellings of three storeys or less with or without secondary suites, an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 330 mm;
- (f) for exterior walls in residential buildings that are three storeys or less and classified as Group C buildings under the Building By-law, other than those buildings referred to in subsection (e):
 - (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
 - (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm;
- (g) for exterior walls in all buildings other than those referred to in subsections (e) and (f):
 - (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive maximum effective thermal transmittance (U factor) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and

- (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm; and
- (h) in buildings with commercial, retail or service use at grade, the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m² for each floor above the commercial, retail or service use.

4.5.45 The following may be excluded in the computation of floor area:

- (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.

4.5.56 Floor area excluded pursuant to sections 4.5.3 and 4.5.4 pursuant to section 2.1 shall not be put to any use other than that which justified the exclusion.

4.6 Physical Form

4.6.1 Height

The minimum height of a building within the area denoted by the letter “A” on Map 3 shall be 11 meters (approximately 36 feet; approximately 3 storeys). The maximum height of a building within the total Main/Hastings sub-area shall be 30 meters (approximately 98 feet; approximately eight storeys).

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

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

4.6.2 Frontage -- Not Applicable.

4.6.3 Front Yard -- Not Applicable.

4.6.4 Side Yard

No side yard shall be required, except that where a site abuts an existing residential building with any window lighting a habitable room, any facing wall of a new building shall be set back an adequate distance to ensure light and ventilation to the existing habitable rooms, in accordance with all applicable policies and guidelines adopted by Council.

4.7 [Deleted -- see Parking By-law.]

4.8 Social, Cultural and Recreational Facilities

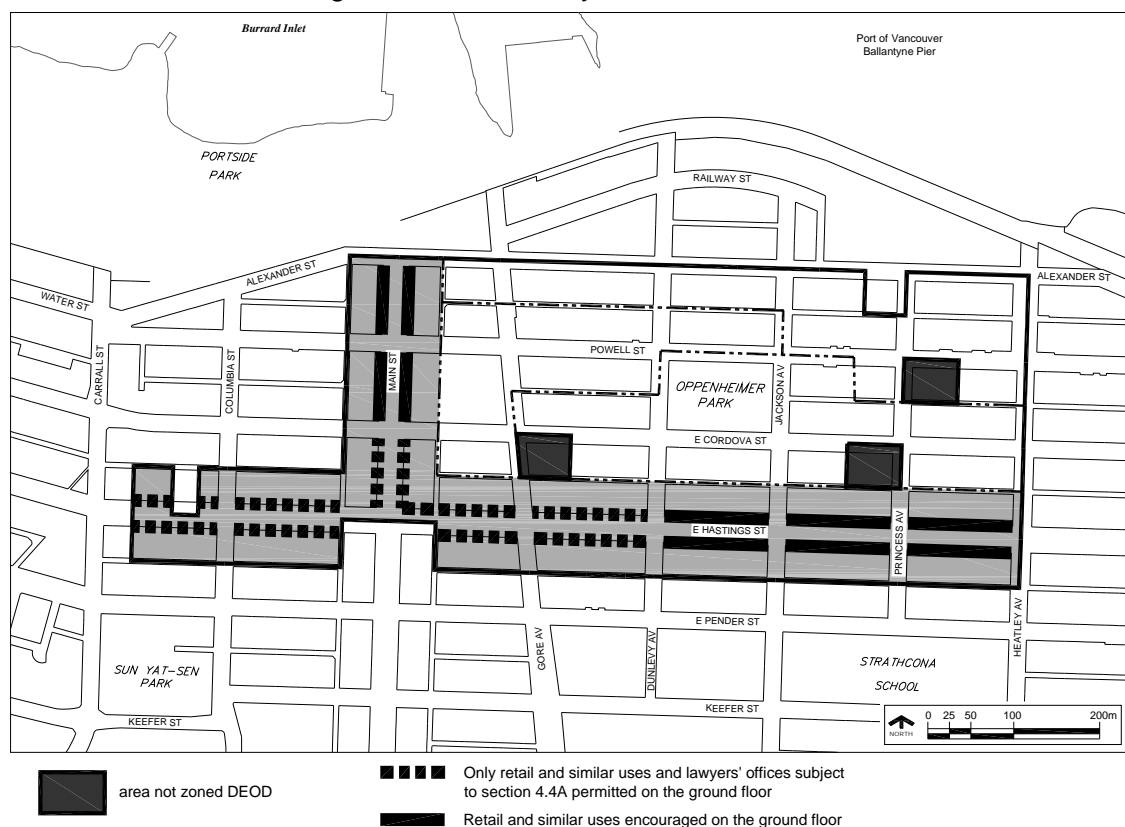
4.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

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. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building.

Downtown-Eastside/Oppenheimer District Map 2

Sub-Area 1 Main/Hastings: Retail Continuity



4.8.2 Amenities Excluded from Floor Space Ratio

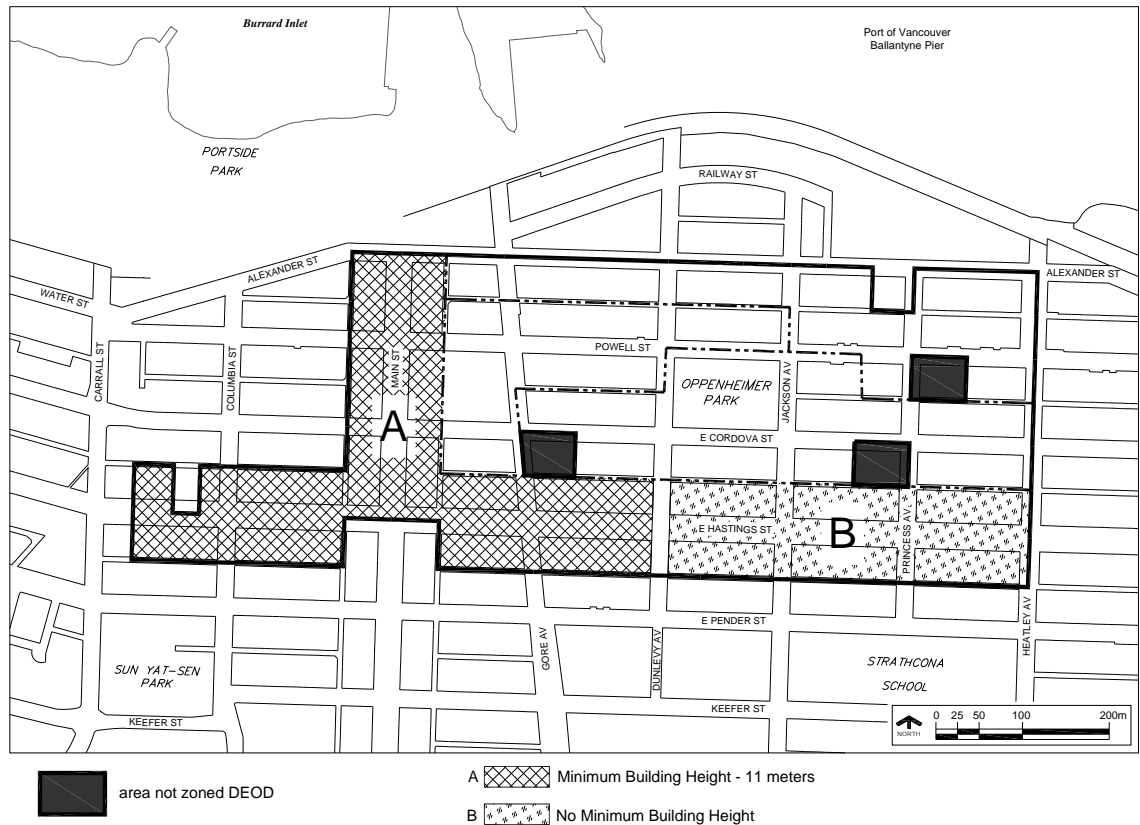
The following amenities and facilities are excluded from the FSR limitation provided that their area does not exceed 20 percent of the allowable FSR or 929 square meters (approximately 10,000 square feet) whichever is the lesser:

- (a) saunas;
- (b) tennis courts;
- (c) swimming pools;
- (d) squash or racquet courts;

- (e) gymnasiums and workout rooms;
- (f) games rooms and hobby rooms;
- (g) day care centres;
- (h) other similar or related indoor uses of a social or recreational nature which in the opinion of the Development Permit Board are a type which contribute to social amenity.

Downtown-Eastside/Oppenheimer District Map 3

Sub-Area 1 Main/Hastings: Minimum Building Heights



4.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural 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; and
- (d) the value of any authorized relaxations 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 5 Sub-area 2 Cordova Street

5.1 Intent

The Cordova Street sub-area, outlined on Map 4, is intended to be a medium density residential area, suitable for residential development for a variety of household types. Rehabilitation of existing residential buildings is encouraged. To upgrade the standard of accommodation available, new units should be self-contained and rehabilitated sleeping and housekeeping units should be converted to self-contained dwelling units where possible.

5.2 Uses

The following uses, and others accessory thereto, may be permitted, subject to the CONDITIONS OF USE and to such conditions or regulations as may be prescribed by the Development Permit Board:

- (a) Residential, with an emphasis on self-contained units.
- (b) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.
- (c) Community Care Facility – Class B and Group Residence.
- (d) Buildings or uses required to serve the educational, cultural, health, social, recreational or local economic development needs of the local community **and not otherwise permitted**.
- (e) Artist studio.
- (f) Any other use which is not specifically listed herein, but which the Development Permit Board considers comparable in nature, having regard to the intent, goals and policies of this Plan.

5.3 Conditions of Use -- Not Applicable.

5.4 Retail Continuity -- Not Applicable.

5.5 Density

5.5.1 Subject to the provisions of subsection 5.5.2, the maximum density for any development shall be a floor space ratio of 1.0, except that the Development Permit Board may permit an increase in the maximum density:

- (a) to a maximum floor space ratio of 2.5, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
- (b) to a maximum floor space ratio of 4.5 if:
 - (i) the site has a frontage no greater than 45.7 m,
 - (ii) the development includes residential and all residential units are social housing, and;
 - (iii) the Development Permit Board first considers:

- (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
- (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

5.5.2 Despite the provisions of subsection 5.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses, uses listed in 5.2 (d) and accessory uses, if:

- (a) the uses are existing as of April 29, 2014;
- (b) the uses are located on a site existing as of April 29, 2014; and
- (c) there is no conversion of existing residential floor area.

5.5.3 The following shall be excluded in the computation of floor area:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Development Permit Board, are similar to the foregoing and contribute to the amenity or environment of the Downtown-Eastside/Oppenheimer District, provided that the total area of all exclusions does not exceed eight percent of the provided residential floor area;
- (b) 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;
- (c) patios or roof gardens provided that any sunroofs or walls are approved by Director of Planning;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) for exterior walls in laneway houses and in one and two-family dwellings of three storeys or less with or without secondary suites, an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 330 mm;
- (f) for exterior walls in residential buildings that are three storeys or less and classified as Group C buildings under the Building By-law, other than those buildings referred to in subsection (e):
 - (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
 - (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm;
- (g) for exterior walls in all buildings other than those referred to in subsections (e) and (f):

- (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive maximum effective thermal transmittance (U factor) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
- (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm; and
- (h) in buildings with commercial, retail or service use at grade, the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m² for each floor above the commercial, retail or service use.

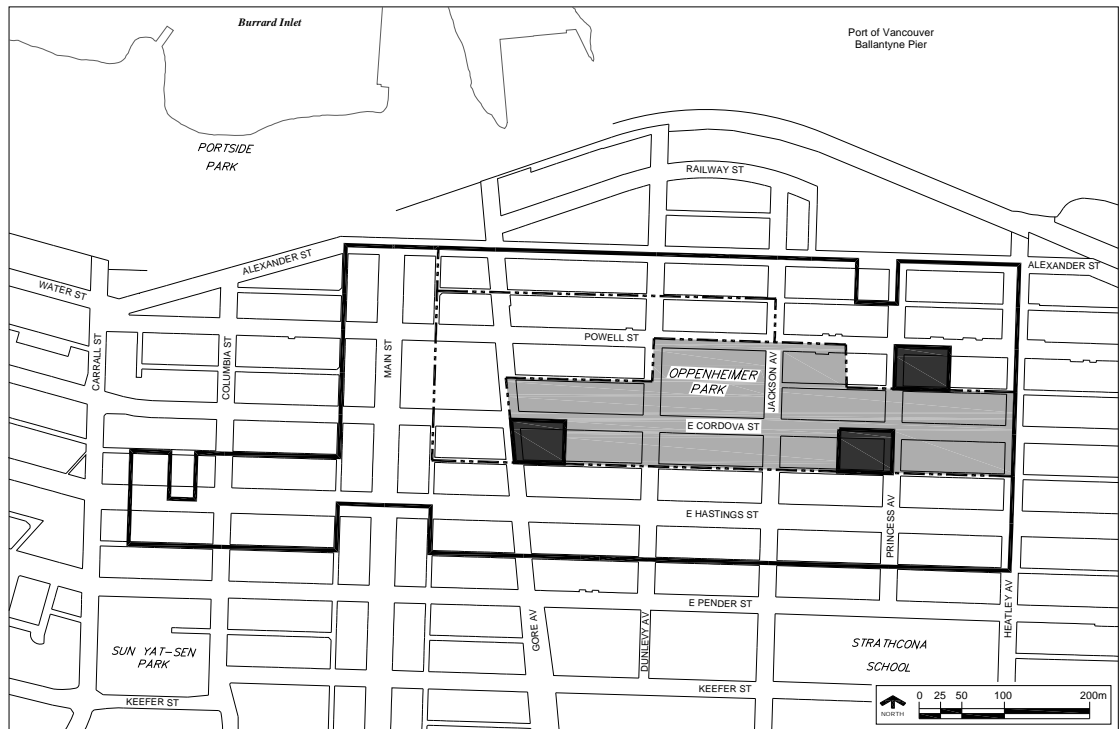
5.5.4 The following may be excluded in the computation of floor area:


- (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.

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

Downtown-Eastside/Oppenheimer District Map 4

Sub-Area 2 Cordova Street



 area not zoned DEOD

5.6 Physical Form

5.6.1 Height

The maximum height shall be 15 meters (approximately 49 feet; approximately four storeys).

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

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

5.6.2 Frontage -- Not Applicable.

5.6.3 Front Yard

A minimum front yard of 3 meters (approximately 10 feet) shall be provided. However, the Development Permit Board may relax or increase this requirement for all or a portion of the frontage provided it takes into account the depths of the adjacent front yards.

5.6.4 Side Yard

No side yard shall be required, except that where a site abuts an existing residential building with any window lighting a habitable room, any facing wall of a new building shall be set back an adequate distance to ensure light and ventilation to the existing habitable rooms, in accordance with all applicable policies and guidelines adopted by Council.

5.7 [Deleted -- see Parking By-law.]

5.8 Social, Cultural and Recreational Facilities

5.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

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. Provision of

these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building.

5.8.2 Amenities Excluded from Floor Space Ratio

The following amenities and facilities are excluded from the FSR limitation provided that their area does not exceed 20 percent of the allowable FSR or 929 square meters (approximately 10,000 square feet) whichever is the lesser:

- (a) saunas;
- (b) tennis courts;
- (c) swimming pools;
- (d) squash or racquet courts;
- (e) gymnasiums and workout rooms;
- (f) games rooms and hobby rooms;
- (g) day care centers;
- (h) other similar or related indoor uses of a social or recreational nature which in the opinion of the Development Permit Board are of a type which contribute to social amenity.

5.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural 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; and
- (d) the value of any authorized relaxations 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.

5.8.4 Despite the provisions of subsections 5.5.1 and 5.6.1, the Director of Planning or the Development Permit Board may relax the site frontage maximum of 45.7m, if:

- (a) all residential units are social housing;
- (b) enforcement will result in unnecessary hardship;
- (c) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (d) the Director of Planning or Development Permit Board considers the submission of any advisory group, property owner or tenant.

Section 6 Sub-area 3 Powell Street/Japantown

6.1 Intent

The Powell Street/Japantown sub-area, outlined on Map 5, is intended to be a medium density mixed commercial-residential area, appropriate for retail, restaurant and other similar pedestrian-oriented uses at street level, and residential, commercial and office

uses on upper floors. This sub-area should continue to provide shopping facilities which serve the day-to-day needs of local residents and workers of the Downtown Eastside Oppenheimer area.

The 300 and 400 blocks of Powell are also intended to be the heart of historic Japantown. Developments which recognize the area's unique ethnic history and which enhance its historical, architectural and cultural character are encouraged.

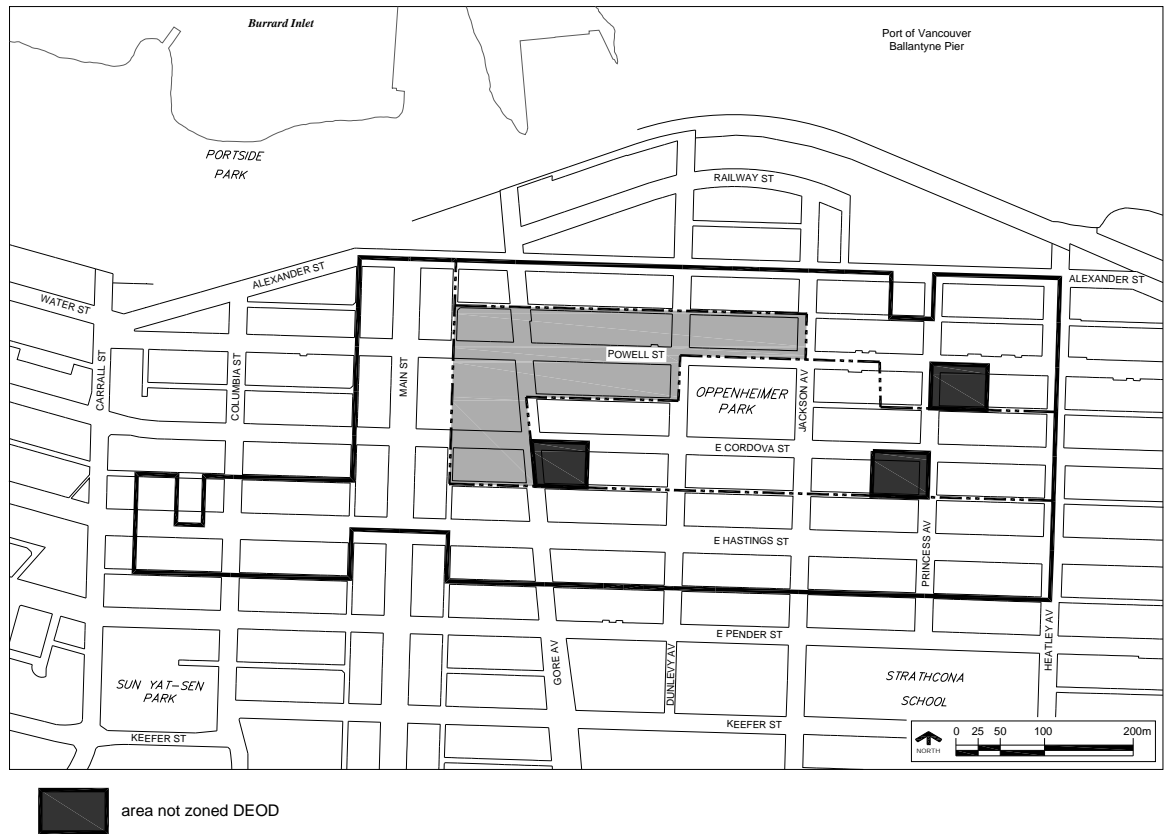
6.2 Uses

The following uses, and others accessory thereto, may be permitted, subject to the CONDITIONS OF USE and to such conditions or regulations as may be prescribed by the Development Permit Board:

- (a) Office commercial, except that no office shall be permitted on the ground floor except for a financial, insurance, travel agency, medical-dental, real estate or local area office.
- (b) Retail commercial, including class 1 restaurants but not including a liquor store.
- (c) Other commercial, including but not necessarily limited to a photography studio, bakery with retail sales on the premises, barber or beauty shop, beauty and wellness centre, or artists studio, but not including a hotel, restaurant - class 2, cabaret or neighbourhood public house.
- (d) Residential, with an emphasis on self-contained units.
- (e) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.
- (f) Community Care Facility – Class B and Group Residence.
- (g) Buildings or uses required to serve the educational, cultural, health, social, recreational or local economic development needs of the local community **and not otherwise permitted**.
- (h) Any other use, including accessory wholesaling or manufacturing of dry goods or food and beverage products, which involves retail sales on the premises and which creates pedestrian interest along the street, providing that all manufacturing and storage takes place within a wholly enclosed building.
- (i) Any other use which is not specifically listed herein, but which the Development Permit Board considers comparable in nature, having regard to the intent, goals and policies of this Plan.

Downtown-Eastside/Oppenheimer District Map 5

Sub-Area 3 Powell Street/Japantown



6.3 Conditions of Use -- Not Applicable.

6.4 Retail Continuity

Where indicated on Map 6, only retail and similar uses shall be permitted on the ground floor along the street frontages so identified; and shall be encouraged on the other street frontages so identified.

6.5 Density

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

- (a) to a maximum floor space ratio of 2.5, if at least 60% of the residential units comprising not less than 40% of the gross floor area above a floor space ratio of 1.0 are developed as social housing and the remaining 40% of the residential units comprising not more than 60% of the gross floor area above a floor space ratio of 1.0 are developed as secured market rental housing; or
- (b) to a maximum floor space ratio of 4.5 if:
 - (i) the site has a frontage no greater than 45.7 m,
 - (ii) the development includes residential and all residential units are social housing, and;

- (iii) the Development Permit Board first considers:
 - (a) the intent of this Official Development By-law and all applicable Council policies and guidelines; and
 - (b) height, bulk, location and overall design of the building and its effect on the site and on surrounding buildings and streets and existing views, with an emphasis on preserving and strengthening prevailing context and mitigating the impact on the liveability of adjacent residential areas and the impact on public areas such as parks and plazas;

6.5.2 Despite the provisions of subsection 6.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses, **uses listed in 6.2 (g)** and accessory uses, if:

- (a) the uses are existing as of April 29, 2014;
- (b) the uses are located on a site existing as of April 29, 2014; and
- (c) there is no conversion of existing residential floor area.

6.5.3 The following shall be excluded in the computation of floor area:

- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Development Permit Board, are similar to the foregoing and contribute to the amenity or environment of the Downtown-Eastside/Oppenheimer District, provided that the total area of all exclusions does not exceed eight percent of the provided residential floor area;
- (b) 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;
- (c) patios or roof gardens provided that any sunroofs or walls are approved by Director of Planning;
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (e) for exterior walls in laneway houses and in one and two-family dwellings of three storeys or less with or without secondary suites, an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 330 mm;
- (f) for exterior walls in residential buildings that are three storeys or less and classified as Group C buildings under the Building By-law, other than those buildings referred to in subsection (e):
 - (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
 - (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm;
- (g) for exterior walls in all buildings other than those referred to in subsections (e) and (f):

- (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive maximum effective thermal transmittance (U factor) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
- (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm; and
- (h) in buildings with commercial, retail or service use at grade, the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m² for each floor above the commercial, retail or service use.

6.5.4 The following may be excluded in the computation of floor area:

- (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.

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

6.6 Physical Form

6.6.1 Height

The minimum height of a building within this sub-area shall be 7 meters (approximately 23 feet; approximately two storeys). The maximum height shall be 15 meters (approximately 49 feet; approximately four storeys).

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

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

6.6.2 Frontage

The maximum length of frontage for any use in those areas where only retail and similar uses are permitted as shown on Map 6, shall be 15.5 meters (approximately 50 feet) except that the Development Permit Board may permit relaxations when a pedestrian area such as a courtyard or resting area is provided, or where pedestrian interest is otherwise maintained.

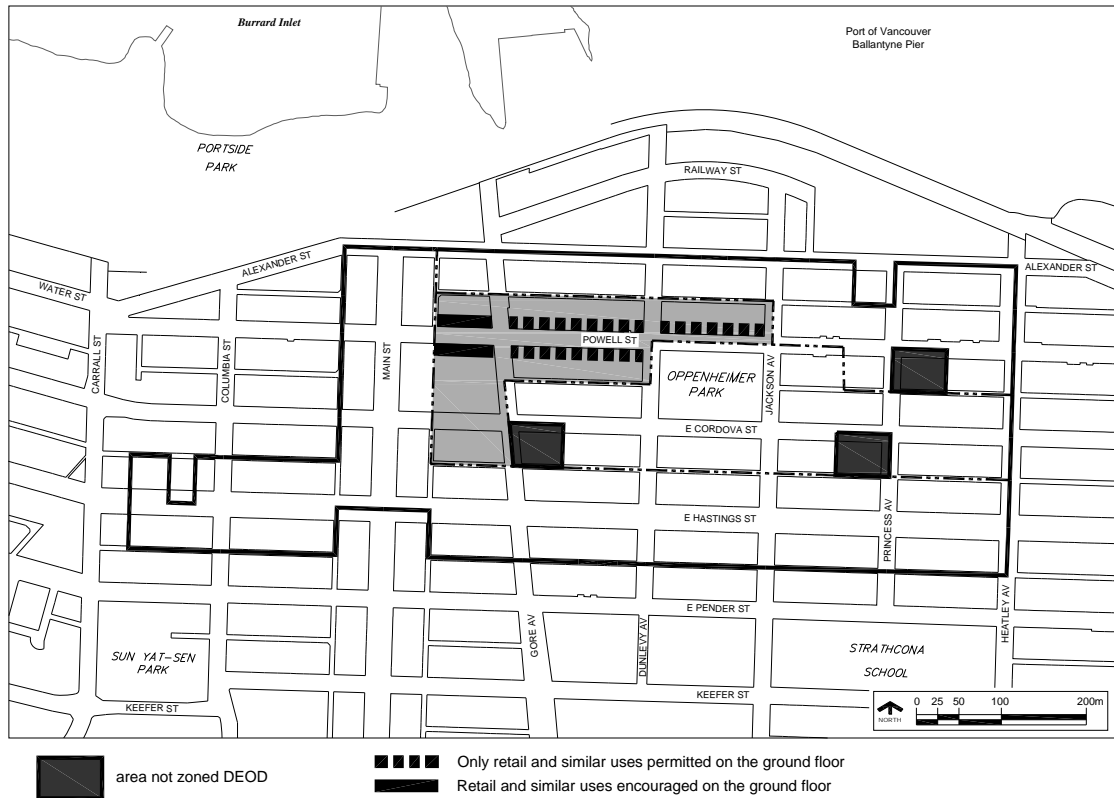
6.6.3 Front Yard -- Not Applicable.

6.6.4 Side Yard

No side yard shall be required, except that where a site abuts an existing residential building with any window lighting a habitable room, any facing wall of a new building shall be set back an adequate distance to ensure light and ventilation to the existing habitable rooms, in accordance with all applicable policies and guidelines adopted by Council.

Downtown-Eastside/Oppenheimer District Map 6

Sub-Area 3 Powell Street/Japantown: Retail Continuity



6.7 **[Deleted -- see Parking By-law.]**

6.8 Social, Cultural and Recreational Facilities

6.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

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. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building.

6.8.2 Amenities Excluded from Floor Space Ratio

The following amenities and facilities are excluded from the FSR limitation provided that their area does not exceed 20 percent of the allowable FSR or 929 square meters (approximately 10,000 square feet) whichever is the lesser:

- (a) saunas;
- (b) tennis courts;
- (c) swimming pools;
- (d) squash or racquet courts;
- (e) gymnasiums and workout rooms;
- (f) games rooms and hobby rooms;
- (g) day care centers;
- (h) other similar or related indoor uses of a social or recreational nature which in the opinion of the Development Permit Board are of a type which contribute to social amenity.

6.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural 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; and
- (d) the value of any authorized relaxations 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.

6.8.4 Despite the provisions of subsection 6.5.1 and 6.6.1, the Director of Planning or the Development Permit Board may relax the site frontage maximum of 45.7m, if:

- (a) all residential units are social housing;
- (b) enforcement will result in unnecessary hardship;
- (c) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (d) the Director of Planning or Development Permit Board considers the submission of any advisory group, property owner or tenant.

Section 7 Sub-area 4 Alexander/Powell

7.1 Intent

The Alexander/Powell sub-area outlined on Map 7 is intended to be a medium density, mixed industrial-residential area, appropriate for small scale light industrial uses and residential uses. New industry, and expansion of existing industry, should be compatible with nearby and adjacent residential uses.

7.2 Uses

The following uses, and others accessory thereto, may be permitted, subject to the CONDITIONS OF USE and to such conditions or regulations as may be prescribed by the Development Permit Board:

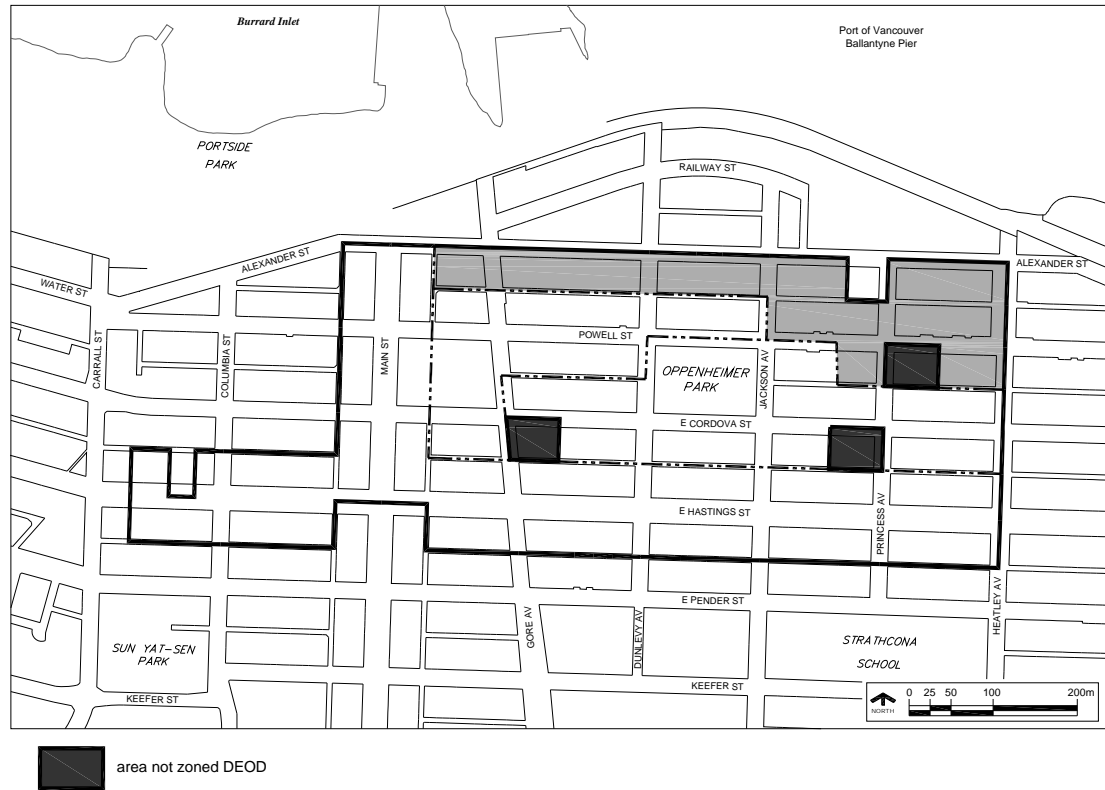
- (a) Light industrial uses, as follows, provided that the Development Permit Board is satisfied that the use is compatible with the mixed use character of the area in terms of risk of fire, explosion or contamination; air pollution; traffic and truck generation; noise pollution; and form, scale and appearance of the development:

Brooms or brushes; manufacturing of.
Catering Establishment.
Chemical products; manufacturing of, but including the manufacturing of pharmaceuticals only.
Cleaning or Janitorial Service.
Clothing or garments; manufacturing of.
Cold Storage Plant.
Cosmetics and toilet preparations; manufacturing of.
Electrical products; manufacturing of.
Film Exchange.
Food or beverage products; manufacturing of, but not involving the milling of grain, rice or malt; the refining of sugar; the refining of vegetable oil or fat; the brewing or distilling of alcoholic beverages; the processing of fats, bones, hides, skins, offal, or animal products of a like nature; the use of fish; or the use of live animals or live poultry.
Jewelry or silverware; manufacturing of.
Laboratory, but not including a medical or dental laboratory.
Laundering, cleaning or dyeing of textiles, knit goods, clothing or garments.
Lithographing or printing.
Luggage, handbags or small leather goods; manufacturing of.
Motion Picture or Television Studio.
Musical instruments; manufacturing of.
Novelties, decorations or ornaments; manufacturing of.
Paper products -- secondary; manufacturing of, but not including the manufacturing of tar paper or other asphalt siding or roofing material.
Photo-finishing.
Publishing.
Recording Studio.
Scientific or professional equipment; manufacturing of.
Shoes or boots; manufacturing of.
Sign or showcard painting.
Signs or displays; manufacturing of.
Sporting goods or recreational equipment; manufacturing of.
Stationery supplies or office supplies; manufacturing of.
Storage yard; but only if used in conjunction with other uses in this sub-area and if neatly maintained and adequately screened.
Tobacco products; manufacturing of.
Toys; manufacturing of.

Typesetting, platemaking, engraving or trade binding as allied to the printing industry.
Warehousing.
Wholesaling.
Window shades and blinds; manufacturing of.

Downtown-Eastside/Oppenheimer District Map 7

Sub-Area 4 Alexander/Powell



- (b) Office, if designed as accessory to other industrial uses permitted in this sub-area and it does not exceed 25 percent of gross floor area of buildings on the site, provided that the use has a direct relationship to the immediate industrial area and will not generally attract the public to its premises.
- (c) Residential, with an emphasis on self-contained units.
- (d) Micro dwelling, subject to section 11.26 of the Zoning and Development By-law.
- (e) Community Care Facility – Class B and Group Residence.
- (f) Parking garages to serve residential, retail, office or other commercial uses may be permitted by the Development Permit Board where special circumstances prevail; the Development Permit Board may require that such parking provide, in whole or in part, for non-commuter oriented usage.
- (g) Commercial uses, but restricted to (i) Laundromat, servicing local residents; (ii) Artist studio; and (iii) Restaurant, already in existence prior to April 20, 1982.
- (h) Buildings or uses required to serve the educational, cultural, health, social, recreational or local economic development needs of the local community and not otherwise permitted.

- (i) Any other use which is not specifically listed herein, but which the Development Permit Board considers comparable in nature, having regard to the intent, goals and policies of this Plan.
- (j) A use not otherwise permitted which lawfully existed as of April 20, 1982, provided that it meets the CONDITIONS OF USE for this sub-area, and provided that the Development Permit Board is satisfied that any alteration or expansion results in a significant and noticeable increase in its compatibility with nearby and adjacent residential uses.

7.3 Conditions of Use

The following conditions of use in addition to such other conditions as the Development Permit Board may decide, shall apply to industrial uses in this sub-area:

- (a) A use listed in this sub-area shall not involve the bulk storage of vegetable oil or fat; animal oil or fat; fish oil or meal; fish; grain; sugar; hops; wax; scrap or waste materials; lime; fertilizers; compressed gas; explosives; ammunition; fireworks; flares; industrial chemicals; acids; paint; varnish; petroleum; coal or tar products or derivatives; fungicides; pesticides or radioactive material.
- (b) A use listed in this sub-area shall not involve the operation or placement of operating machinery other than within a wholly enclosed building.
- (c) A use listed in this sub-area shall not involve the storage of goods or materials other than within a wholly enclosed building, unless restricted from public access and adequately screened from view from any adjacent street, lane or property by a wall, fence or landscaping that is acceptable to the Development Permit Board.
- (d) A use listed in this sub-area shall not use required parking areas, loading spaces or manoeuvring aisles for the storage of goods or materials or the placement of machinery, refuse or garbage receptacles.

7.4 Retail Continuity -- Not Applicable.

7.5 Density

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

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

- 7.5.2 Despite the provisions of subsection 7.5.1, the Director of Planning or the Development Permit Board may permit an increase in the maximum floor space ratio to 1.5 for retail, service, manufacturing, or wholesale uses, **uses listed in 7.2 (h)** and accessory uses, if:
- (a) the uses are existing as of April 29, 2014;
 - (b) the uses are located on a site existing as of April 29, 2014; and
 - (c) there is no conversion of existing residential floor area.
- 7.5.3 The following shall be excluded in the computation of floor area:
- (a) open residential balconies or sun decks and any other appurtenances which, in the opinion of the Development Permit Board, are similar to the foregoing and contribute to the amenity or environment of the Downtown-Eastside/Oppenheimer District, provided that the total area of all exclusions does not exceed eight percent of the provided residential floor area;
 - (b) 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;
 - (c) patios or roof gardens provided that any sunroofs or walls are approved by Director of Planning;
 - (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
 - (e) for exterior walls in laneway houses and in one and two-family dwellings of three storeys or less with or without secondary suites, an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 330 mm;
 - (f) for exterior walls in residential buildings that are three storeys or less and classified as Group C buildings under the Building By-law, other than those buildings referred to in subsection (e):
 - (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive thermal resistance (RSI value) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
 - (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm;
 - (g) for exterior walls in all buildings other than those referred to in subsections (e) and (f):
 - (i) an area equal to the area occupied by the insulation thickness that exceeds the performance of the prescriptive maximum effective thermal transmittance (U factor) requirement for exterior walls in the Building By-law, as verified by a Building Envelope Professional, to a maximum exclusion of 179 mm, and
 - (ii) an area equal to the area occupied by a rain screen system in a wall that exceeds 203 mm, as verified by a Building Envelope Professional, to a maximum exclusion of 152 mm; and
 - (h) in buildings with commercial, retail or service use at grade, the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m² for each floor above the commercial, retail or service use.

- 7.5.4 The following may be excluded in the computation of floor area:
- (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.

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

7.6 Physical Form

7.6.1 Height

The maximum height shall be 15 m.

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

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

7.6.2 Frontage

The maximum length of frontage for any non-residential use permitted in this sub-area shall be 30 meters (approximately 100 feet).

7.6.3 Front Yard -- Not Applicable.

7.6.4 Side Yard

No side yard shall be required, except that where a site abuts an existing residential building with any window lighting a habitable room, any facing wall of a new building shall be set back an adequate distance to ensure light and ventilation to the existing habitable rooms, in accordance with all applicable policies and guidelines adopted by Council.

7.7 [Deleted -- see Parking By-law.]

7.8 Social, Cultural and Recreational Facilities

7.8.1 It is the purpose of this section to provide in the Downtown-Eastside/Oppenheimer area the following social, cultural and recreational amenities for the enjoyment of Downtown-Eastside/Oppenheimer residents and employees:

- (a) facilities which provide opportunities for physical fitness;
- (b) facilities for general recreation;
- (c) facilities which provide a service to the public; and
- (d) facilities for arts and culture.

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. Provision of these items and others of a similar nature may be required by the Development Permit Board where appropriate, as part of the design of the building.

7.8.2 Amenities Excluded from Floor Space Ratio

The following amenities and facilities are excluded from the FSR limitation provided that their area does not exceed 20 percent of the allowable FSR or 929 square meters (approximately 10,000 square feet) whichever is the lesser:

- (a) saunas;
- (b) tennis courts;
- (c) swimming pools;
- (d) squash or racquet courts;
- (e) gymnasiums and workout rooms;
- (f) games rooms and hobby rooms;
- (g) day care centers;
- (h) other similar or related indoor uses of a social or recreational nature which in the opinion of the Development Permit Board are of a type which contribute to social amenity.

7.8.3 Bonuses for Provision of Social, Cultural and Recreational Amenities

Where a need for any public, social, cultural 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; and
- (d) the value of any authorized relaxations 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.

7.8.4 Despite the provisions of subsection 7.5.1 and 7.6.1, the Director of Planning or the Development Permit Board may relax the site frontage maximum of 45.7m, if:

- (a) all residential units are social housing;

- (b) enforcement will result in unnecessary hardship;
- (c) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (d) the Director of Planning or Development Permit Board considers the submission of any advisory group, property owner or tenant.