

MEMORANDUM

September 7, 2017

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Janice MacKenzie, City Clerk
Lynda Graves, Manager, Administration Services, City Manager's Office
Rena Kendall-Craden, Director, Communications
Kevin Quinlan, Chief of Staff, Mayor's Office
Katie Robb, Director, Communications, Mayor's Office
Naveen Girn, Director of Community Relations, Mayor's Office
Gil Kelley, General Manager, Planning, Urban Design & Sustainability
Kaye Krishna, General Manager, Development, Buildings & Licensing
Grant Murray, Assistant Director, Administration, Legal Department

FROM: Anita Molaro, Assistant Director of Urban Design

SUBJECT: Character Home Retention Incentives in RS Zones: Revision to "Strata Title Policies for RS, RT and RM Zones" Guidelines

This memorandum corrects an omission in the Policy Report dated July 14, 2017 entitled "Introducing Character Home Retention Incentives and New Housing Choices in RS Zones (Single-family) - Proposed Amendments to the Zoning and Development By-law". Proposed is an additional recommendation regarding the inclusion of strata-title provisions for character home conversions and infill homes in RS zones within the "Strata Title Policies for RS, RT and RM Zones" Guidelines.

This added recommendation is made in the Summary and Recommendation as:

"THAT the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for Council adoption, at the time of enactment of the amendments to the Zoning and Development By-law, related amendments to the *Strata Title Policies for RS, RT and RM Zones*, generally in accordance with Appendix A of the memorandum dated

September 7, 2017 entitled 'Character Home Retention Incentives in RS Zones: Revision to "Strata Title Policies for RS, RT and RM Zones" Guidelines'."

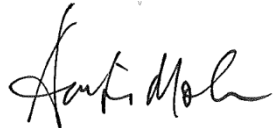
The Policy Report proposes amendments to all RS District Schedules which would incentivize character house retention and add new housing choices. Owners choosing to retain their character house would be permitted to retain the house as a single family home with or without a secondary suite or convert the house to contain additional units (Multiple Conversion Dwelling), and build a new infill house at the rear of the property. The units may be strata-titled, with the exception of the secondary suite which would continue to be restricted to a rental unit within the character house.

Proposed amendments to the "Strata Title Policies for RS, RT and RM Zones" Guidelines which reflect the optional character home retention incentives for RS zones are shown in the document attached as Appendix A.

In addition, minor changes have been made to the Guidelines for Additions, Infill and Multiple Conversion Dwelling in Association with the Retention of Character House in an RS Zone to add diagrams and additional language for clarification purposes.

The Summary and Recommendation for this item has been prepared to reflect the changes outlined in this memorandum.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita Molaro', written in a cursive style.

Anita Molaro
Assistant Director, Urban Design

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Appendix A

NOTE: ~~STRIKE-OUTS~~ INDICATE DELETIONS AND BOLD ITALICS INDICATE ADDITIONS

Amendments to "STRATA TITLE POLICIES FOR RS, RT AND RM ZONES"

Adopted by City Council on July 28, 2009

Amended May 15, 2013, July 9, 2013, June 24, 2014, February 2, 2016 and October 4, 2016

1. Application and Intent

These guidelines apply to the strata titling of previously occupied buildings or new construction in the RS, RT and RM zones.

Under Section 242 (1) of the **Strata Property Act** of British Columbia, City Council is the approving authority for conversion of previously occupied buildings into strata lots. Pursuant to Section 242 (10) of the **Strata Property Act**, Council has delegated its approval authority to the Approving Officer for previously occupied buildings containing less than six dwelling units.

Newly constructed buildings, which are not occupied prior to registration of a strata plan at the Land Title Office, do not require the approval of City Council or the Approving Officer.

2. Secondary Suite

In the RS, RT and RM zones, one secondary suite is conditionally permitted in a one-family dwelling. The suite can either be built at the same time a new one-family dwelling (i.e. house) is being constructed, or a suite can be incorporated into an existing one-family dwelling. The construction and safety requirements of the Vancouver Building By-law (VBBL) for a secondary suite within an existing one-family dwelling (which may not be strata titled) are less demanding than for new construction.

In the RT-11 and RT-11N, and RM-7, RM-7N, RM-8 and RM-8N zones, one secondary suite is conditionally permitted in each principal dwelling unit of a two-family dwelling. The suites can either be built at the same time a new two-family dwelling is being constructed or incorporated into an existing two-family dwelling. In the latter case, construction and safety requirements of the VBBL need to be confirmed.

Terms regarding suites are not the same in the Vancouver Building By-law and the Zoning and Development By-law (Z&D). The VBBL terms include Secondary Suite and Group "C" Residential Occupancy Classification. The Z&D terms include One-Family Dwelling with Secondary Suite and Two-Family Dwelling with Secondary Suite. Contact Development Services staff (VBBL) or Planning staff (Z&D) for how these two by-laws apply in your specific situation.

Developments with secondary suites may be strata titled in some instances, however a secondary suite cannot be defined as a separate strata lot under any circumstances.

3 Laneway House

In the RS zones and RT-11 and RT-11N, and RM-7, RM-7N, RM-7AN, RM-8, RM-8N, RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN zones, a laneway house is conditionally permitted. A new laneway house can be built on a site which accommodates an existing one-family dwelling, or a new laneway house can be built in conjunction with a new one-family dwelling. In both cases, the one-family dwelling can also include a secondary suite.

4 Principal Dwelling Unit with Lock-off Unit

In the RT-11 and RT-11N zones, a principal dwelling unit with lock-off unit is conditionally permitted in an infill one-family dwelling, infill two-family dwelling, one-family dwelling and two-family dwelling provided it is on a site with more than two principal buildings and the site area is 511 m² (5,500 sq. ft.) or greater in size.

In the RM-7, RM-7N, RM-7AN, RM-8, RM-8N, RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN zones, a principal dwelling unit with lock-off unit is conditionally permitted in a multiple dwelling.

For new construction, as a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property prior to issuance of the Development Permit. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the number of approved principal dwelling units (i.e. the lock-off unit cannot be defined as a separate strata lot).

5 *Character Houses in RS Zones*

In RS zones, Multiple Conversion Dwelling and Infill are conditionally permitted in conjunction with retention of a character house.

In these cases, Council or the Approving Officer may consider an application to convert a previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. a Secondary Suite or a Lock-off Unit cannot be defined as a separate strata lot).

~~5~~ 6 Policies

The following outlines the policies for the conversion of previously occupied buildings or new construction to strata title ownership in applicable zoning districts.

~~5.1~~ 6.1 In the RS-1, RS-1A, RS-2, RS-3, RS-3A, RS-4, RS-5 and RS-6 Zones

Conversions

Except as previously noted in Section 5, Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;
- (c) a unit is approved as a Laneway House as defined in the Zoning and Development By-law; or
- (d) a unit is approved as a Laneway House as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new One-Family Dwelling with a Secondary Suite;
- (b) a new One-Family Dwelling with a new Laneway House; or
- (c) a new One-Family Dwelling with a Secondary Suite and a new Laneway House

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

5.2 6.2 In the RS-7 Zone

Conversions

Except as previously noted in Section 5, Council, or the Approving Officer, will not entertain any application to convert a previously occupied building to strata title ownership where:

- (a) the site is less than 668 m²;
- (b) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (c) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law;
- (d) a unit is approved as a Laneway House as defined in the Zoning and Development By-law; or
- (e) a unit is approved as a Laneway House as defined in the Vancouver Building By-law.

New Construction

As a condition of development permit approval for:

- (a) a new Two-Family Dwelling on a site less than 668 m²;
- (b) a new One-Family Dwelling with a Secondary Suite;
- (c) a new One-Family Dwelling with a new Laneway House; or
- (d) a new One-Family Dwelling with a Secondary Suite and a new Laneway House.

the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

5.3 6.3 In the RS-1B, RT and RM Zones

Conversions

Council, or the Approving Officer, will not entertain any applications to convert a previously occupied building to strata title ownership where:

- (a) a suite is approved as a One-Family Dwelling with Secondary Suite as defined in the Zoning and Development By-law;
- (b) a suite is approved as a Secondary Suite as defined in the Vancouver Building By-law; or
- (c) a unit is approved as a Laneway House as defined in the Zoning and Development By-law or the Vancouver Building By-law.

An exception may be made for existing developments containing two or more principal dwelling units (One-Family Dwelling with Infill Dwelling, Two-Family Dwelling or Multiple Conversion Dwelling), in combination with Secondary Suites or Lock-off Units. In these cases, Council or the Approving Officer may consider an application to convert the previously occupied building to strata title ownership, subject to the number of strata lots being consistent with the approved number of principal dwelling units (i.e. a Secondary Suite or a Lock-off Unit cannot be defined as a separate strata lot).

All other applications to convert previously occupied buildings to strata title ownership, including a One-Family Dwelling with a new Infill Dwelling, Two-Family Dwelling or Multiple Conversion Dwelling will be subject to approval by City Council or the Approving Officer and the process outlined in the City's Strata Title and Cooperative Conversion Guidelines.

New Construction

- (a) One-Family Dwelling with Secondary Suite, One-Family Dwelling with Laneway House, or One-Family Dwelling with Secondary Suite and Laneway House

As a condition of development permit approval, the registered owner shall execute a covenant which must be registered against the title of the property that prohibits registration of a strata plan. The city will release the covenant, on the owner's request, not less than 12 months after issuance of the occupancy permit.

- (b) New Developments containing two or more principal dwelling units, in combination with Secondary Suite(s) or Lock-off Units

As a condition of development permit approval for a new development containing two or more principal dwelling units (One-Family Dwelling with an Infill Dwelling, Two-Family Dwelling or Multiple Dwelling), in combination with Secondary Suites or Lock-off Units, the registered owner shall execute a covenant to be registered against the title of the property. The covenant is to ensure that the number of strata lots created upon registration of a strata plan is consistent with the approved number of principal dwelling units (i.e. a Secondary Suite or a Lock-off Unit cannot be defined as a separate strata lot).