



**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: October 30, 2017
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VanRIMS No.: 08-2000-20
Meeting Date: November 14, 2017

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Amendments to Official Development Plans to Add Temporary Modular Housing as a Permitted Use

RECOMMENDATION

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make application to bring forward by-laws to amend the Coal Harbour, Downtown, Downtown-Eastside/Oppenheimer, False Creek, False Creek North, Southeast False Creek and Southeast Granville Slopes Official Development Plans generally as outlined in Appendices A to G, to include provisions to allow for the use of sites for temporary modular housing and that the application be referred to a Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-laws for consideration at the Public Hearing generally as set out in Appendices A to G.

REPORT SUMMARY

It is well recognized that Vancouver is in the midst of a serious housing crisis. The City is taking action to increase and speed up the "right" supply of housing to address the spectrum of housing needs for all of the City's residents. This includes making use of all available tools to deliver housing, particularly for the most vulnerable, to be as nimble and efficient as possible in addressing specific housing needs and opportunities when they arise.

To this end, Council has recently approved amendments to delegate the authority to relax the requirements of the Zoning and Development By-law to the Director of Planning or the Development Permit Board for proposed developments that make provision for low cost housing for persons receiving assistance. While this action means that the process to facilitate and approve low cost housing, including temporary modular housing (TMH) has been simplified, there are areas in the city where applications for TMH would not be able to proceed because there are multiple levels of land use regulation that must be considered. In

particular, a development permit for TMH cannot be issued if the use is contrary to or at variance with the land use provisions of an Official Development Plan (ODP).

This report outlines amendments to all of the ODPs referred to in this report to introduce new language to add TMH as a permitted use subject to compliance with the provisions of Section 11.31 of the Zoning and Development By-law which stipulates additional regulations for TMH. Including similar enabling language in ODPs across the city will change the regulatory framework and allow for the consideration of TMH more widely across communities, as another means to effectively and efficiently address Vancouver's homelessness crisis.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- Homeless Action Plan (1995)
- Housing Vancouver Emerging Directions (2017)
- Housing and Homelessness Strategy (2012-2021)
- Healthy City Strategy 2014-2025 (2014)
- Zoning and Development By-law Amendment to Delegate Discretionary Relaxation Powers to Expedite the Delivery of Low Cost Housing for Persons Receiving Assistance (September 2017)
- Temporary Modular Housing Design Guidelines (updated 2017)

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager supports the foregoing. The City's current housing crisis is evident in indicators such as the near zero vacancy rate for rental housing and the fact that homelessness is growing at a rate of six per cent (6%) per year. The ODP amendments recommended in this report, combined with Council's recent approval to delegate zoning by-law relaxation authority to enable low cost housing to the Director of Planning or the Development Permit Board (RTS 12141), will advance the creation of an updated regulatory framework that enables and supports the timely delivery of housing necessary to address critical needs.

REPORT

Background/Context

In some areas of the city, land use is controlled through a combination of zoning and regulations contained in an ODP. ODPs apply to a specific area defined by a boundary and have typically been used where larger areas of under-utilized or vacant land are envisioned to be transformed over time and where high level guidance is required on a number of topics to achieve a coherent development outcome. ODPs are adopted by Council through by-law and cannot be amended without a public hearing and Council approval of a by-law change

The first ODP approved in Vancouver was the False Creek Official Development Plan in 1974 to guide the development of the former industrial lands around Granville Island. This plan had a significant focus on design objectives and the integration of housing and public waterfront spaces. Describing the specific desired outcomes of development through an ODP provides the City with more control and certainty over land use and development including building

design, infrastructure, amenities and phasing. Several ODPs for different areas have been created since 1974 with the most recent ODP approved for Southeast False Creek in 2007. In other parts of the city a community plan approach (approved by Council as a policy rather than a by-law), with greater flexibility than an ODP has been used to guide incremental change in established neighbourhoods (e.g. Grandview-Woodland, Mount Pleasant).

Strategic Analysis

This report proposes amendments to a number of ODPs to introduce language into each ODP that will enable the consideration of TMH as a permitted land use. The intention is for TMH projects to be considered on sites which are vacant and/or have not yet been developed to their intended long-term use. The boundaries for each of the ODPs proposed for amendment are identified on the maps below.

Figure 1: Official Development Plans Boundaries



Staff recommend that language to allow TMH as a permitted use, subject to the provisions of section 11.31 of the Zoning and Development By-law, be inserted into each of the ODPs referenced in this report where appropriate. TMH is defined in the Zoning and Development By-law to mean “demountable structures, not permanently affixed to land, containing three or more residential units and accessory uses, but does not include a multiple conversion dwelling, community care facility or group residence”. The reference to Section 11.31 of the Zoning and Development By-law is included as this section outlines the additional regulations that apply to TMH as follows:

- 11.31 Temporary Modular Housing**
- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

If approved, these amendments will mean that sites within these ODP areas can be considered for TMH and applications that do not require a rezoning could then proceed directly to development permit application. The development permit process involves standardized procedures for local notification and public comment and an evaluation of an application against applicable policies and guidelines to assess the suitability of a proposal (including assessment of the proposal against the regulations noted above in section 11.31 of the Zoning and Development By-Law). As per typical practice, the input of any property owner, tenant or advisory group is also considered and the Director of Planning would determine whether the final decision about a development permit would be made by the Director of Planning or the Development Permit Board.

The Regional Context Statement Official Development Plan (RCS ODP) is a Council approved plan and by-law which outlines Vancouver's high level land use commitment to Metro Vancouver. It includes policies to protect employment lands by limiting residential use to areas designated as "General Urban." Staff note that the proposed ODP amendments outlined in this report will extend only to sites that are designated for "General Urban" use in the RCS ODP. Sites which are not designated as "General Urban" in the RCS ODP could only be considered for TMH if Council first considers an amendment to the RCS ODP to change the land use designation to "General Urban" which would then allow for residential use. Staff are proposing amendments to the RCS ODP to re-designate one potential site to allow for TMH in a companion report (RTS 12258).

CONCLUSION

This report recommends amendments to several ODPs to include enabling language to allow TMH to be considered as a permitted land use in these associated areas and if approved would build upon Council's approval in September 2017 to delegate discretionary relaxation authority for low cost housing to the Director of Planning or the Development Permit Board. The proposed amendments are a further step towards the creation of a regulatory framework that enables and supports the consideration of temporary modular housing on sites more broadly across the city as opportunities arise.

COAL HARBOUR OFFICIAL DEVELOPMENT PLAN

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

A By-law to amend Coal Harbour Official Development Plan By-law No. 6754 regarding Temporary Modular Housing

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

1. This By-law amends the indicated provisions of the Coal Harbour Official Development Plan By-law No. 6754.
2. In Section 3.2.1, Council adds the following new paragraph to the end of the section:

“Notwithstanding any of the other provisions of this ODP, temporary modular housing is permitted, subject to Section 11.31 of the Zoning and Development By-law.”
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

DOWNTOWN OFFICIAL DEVELOPMENT PLAN

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

A By-law to amend Downtown Official Development Plan By-law No. 4912 regarding Temporary Modular Housing

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

1. This By-law amends the indicated provisions of the Downtown Official Development Plan By-law No. 4912.
2. In Section 1-Land Use, Council:
 - (a) in Section 3(h) strikes out "Residential" and substitutes "Dwelling Uses"; and
 - (b) adds, at the end, the following section:
 - "19. In all areas where Dwelling Uses are permitted, Temporary Modular Housing is permitted subject to the provisions of section 11.31 of the Zoning and Development By-law."
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

DOWNTOWN EASTSIDE OPPENHEIMER OFFICIAL DEVELOPMENT PLAN

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

A By-law to amend Downtown-Eastside/Oppenheimer Official Development Plan By-law No. 5532 regarding Temporary Modular Housing

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

1. This By-law amends the indicated provisions of the Downtown Eastside Oppenheimer Official Development Plan By-law No. 5532.
2. In **Section 2 - Definitions**, in section 2.5, Council strikes out "and rooming houses," and substitutes ", rooming houses and temporary modular housing,".
3. In **Section 4 Sub-area 1 Main/Hastings**, Council:
 - (a) renumbers subsections (f) through (k) as subsections (g) through (l); and
 - (b) after subsection (e) adds:
 - "(f) Temporary Modular Housing, subject to the provisions of section 11.31 of the Zoning and Development By-law."
4. In **Section 5 Sub-area 2 Cordova Street**, Council:
 - (a) renumbers subsections (c) through (f) as subsections (d) through (g); and
 - (b) after subsection (b) adds:
 - "(c) Temporary Modular Housing, subject to the provisions of section 11.31 of the Zoning and Development By-law."
5. In **Section 6 Sub-area 3 Powell Street/Japantown**, Council:
 - (a) renumbers subsections (f) through (i) as subsections (g) through (j); and
 - (b) after subsection (e) adds:
 - "(f) Temporary Modular Housing, subject to the provisions of section 11.31 of the Zoning and Development By-law."
6. In **Section 7 Sub-area 4 Alexander/Powell**, Council:
 - (a) renumbers subsections (e) through (j) as subsections (f) through (k); and
 - (b) after subsection (d) adds:

“(e) Temporary Modular Housing, subject to the provisions of section 11.31 of the Zoning and Development By-law.”

7. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
8. This By-law is to come into force and take effect on the date of its enactment.

FALSE CREEK OFFICIAL DEVELOPMENT PLAN

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

**A By-law to amend False Creek
Official Development Plan By-law No. 4812
regarding Temporary Modular Housing**

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

1. This By-law amends the indicated provisions of the False Creek Official Development Plan By-law No. 4812.

2. In the first paragraph of the Definitions section, Council strikes the words:

“The following definitions are related directly to the words and language associated with the Official Development Plan for False Creek. They must be supplemented by other definitions which already exist in the Zoning and Development By-law and other By-laws which are relevant to the purpose and intent of the False Creek development process.”

and substitutes the following:

“The definitions contained in Section 2 of the Zoning and Development By-Law, No. 3575, shall apply to this Official Development Plan, except as varied or supplemented by the following:”

3. In Section 2.1, Council adds the following new subsection at the end:

“(h) Temporary Modular Housing - Notwithstanding any of the other provisions of this False Creek Official Development Plan, temporary modular housing is permitted, subject to Section 11.31 of the Zoning and Development.”

4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

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

FALSE CREEK NORTH OFFICIAL DEVELOPMENT PLAN

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

**A By-law to amend False Creek North
Official Development Plan By-law No. 6650
regarding Temporary Modular Housing**

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

1. This By-law amends the indicated provisions of the False Creek North Official Development Plan By-law No. 6650.
2. In Section 3.3.1, Council adds the following new paragraph to the end of the section:

“Notwithstanding any of the other provisions of this ODP, temporary modular housing is permitted, subject to Section 11.31 of the Zoning and Development By-law.”
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

SOUTH EAST FALSE CREEK OFFICIAL DEVELOPMENT PLAN

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

A By-law to amend South East False Creek Official Development Plan By-law No. 9073 regarding Temporary Modular Housing

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

1. This By-law amends the indicated provisions of the South East False Creek Official Development Plan By-law No. 6650.
2. In section 4.2, Council adds the words "or for use as temporary modular housing," , after the words "except for cultural, recreational and institutional uses," .
3. In the title of Column 2 of Table 1 under section 4.2, Council adds the words "other than temporary modular housing" after the words "Maximum permitted floor area for residential uses" .
4. In the title of Column 4 of Table 1 under section 4.2, Council adds the words "other than temporary modular housing or cultural, recreational and institutional" after the words "Maximum permitted floor area for all uses" .
5. In section 4.3.1(f), Council strikes the word "and" .
6. In section 4.3.1(g), Council strikes out "." At the end substitutes "; and" .
7. In section 4.3.1, Council adds the following new subsection at the end:

"(h) temporary modular housing is permitted, subject to Section 11.31 of the Zoning and Development By-law."
8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
9. This By-law is to come into force and take effect on the date of its enactment.

SOUTHEAST GRANVILLE SLOPES OFFICIAL DEVELOPMENT PLAN

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

**A By-law to amend Southeast Granville Slopes
Official Development Plan By-law No. 5752
regarding Temporary Modular Housing**

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

1. This By-law amends the indicated provisions of the Southeast Granville Slopes Official Development Plan By-law No. 5752.
2. In **Section 4 Definitions**, at the end of the definition of "Residential", Council strikes out ";" and substitutes "and also means Temporary Modular Housing as defined in the Zoning and Development By-law;".
3. In **Section 6.2 Conditions of Use**, Council:
 - (a) renumbers subsections 6.2.5 through 6.2.9 as 6.2.6 through 6.2.10; and
 - (b) after subsection 6.2.4, adds:

"6.2.5 Temporary Modular Housing is permitted, subject to the provisions of Section 11.31 of the Zoning and Development By-law."
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.