



POLICY REPORT

Report Date: May 28, 2019
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Meeting Date: June 11, 2019

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Miscellaneous Amendments - Zoning and Development By-law, Sign By-law and RM-12N Guidelines

RECOMMENDATION

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend the Zoning and Development By-law, generally as presented in Appendix A, to:
- i. amend Section 3.2.1 of the RT-5 and RT-5N Districts Schedule to correct an error in the date of enactment;
 - ii. amend Section 3.2.1 of the RT-5 and RT-5N Districts Schedule and Section 3.2 of the RT-6 District Schedule to include Multiple Conversion Dwellings and Infill existing on sites prior to January 16, 2018 as conditional uses that were inadvertently omitted;
 - iii. amend Section 4.7.1 of the RT-5 and RT-5N Districts Schedule to correct errors in punctuation;
 - iv. amend Section 4.18 of the RT-6 District Schedule to clarify that the calculation for the total number of dwellings units for a site applies to larger sites that meet the minimum site area requirement for a Multiple Dwelling or sites with a Character House;
 - v. amend Section 5.1 and 5.2 of the RM-3 District Schedule to remove a reference to the Development Permit Board that was inadvertently missed in amending By-law 12284;

- vi. amend Section 4.15.1 of the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule to add acoustic regulations for the RM-8AN District that were inadvertently omitted;
- vii. amend Section 5.1 of the RM-12N District Schedule to correct an inadvertent error that prevents the hybrid townhouse typology from being achievable;
- viii. amend Section 3.2.1.S [Service] of the FC-2 District Schedule to add Short Term Rental Accommodation as a conditional use after it was inadvertently omitted;
- ix. amend Section 5.6 of the HA-1 and HA-1A District Schedule to correct an error in numbering;

and 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 the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend the Sign By-law, generally as presented in Appendix B, to:
 - i. amend Section 9.25 to correct an incorrect building name reference;
 - ii. amend Section 9.25 to improve clarity by reformatting the list of sites with site-specific sign regulations;

and 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 B, for consideration at Public Hearing.

- C. THAT, at the time of enactment of the proposed amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for Council approval consequential amendments to the RM-12N Design Guidelines, generally as set out in Appendix C.

REPORT SUMMARY

This report proposes miscellaneous amendments to the Zoning and Development and Sign By-laws and a consequential amendment to the RM-12N Guidelines. The amendments would achieve the intent of the by-laws and correct inadvertent errors.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On January 16, 2018 Council enacted amendments to the Zoning and Development By-law as described in the *Increasing Housing Choice and Character Retention Incentives in the Mount Pleasant and Grandview-Woodland Communities – Proposed Amendments to the Zoning and Development By-law* report.

On July 10, 2018 Council enacted amendments to the Zoning and Development By-law as described in the *Miscellaneous Amendments - Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws* report.

On September 18, 2018 Council enacted amendments to the Zoning and Development By-law as described in the *Increasing Housing Choice in Grandview-Woodland – Proposed Amendments to the Zoning and Development By-law* report.

On October 30, 2018 Council enacted amendments to the Zoning and Development By-law as described in the *Development and Building Regulatory Review - Minor Amendments to the Zoning and Development By-law, the Downtown Official Development Plan, and Various Land Use and Development Policies and Guidelines* report.

On April 18, 2018 Council enacted amendments to the Zoning and Development By-law as described in the *Regulating Short-Term Rentals in Vancouver* report.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS *

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

From time to time, miscellaneous amendments to the Zoning and Development By-law or other by-laws are required in order to improve clarity, update terminology or address inadvertent errors or omissions and to better streamline the development review process. In general, one or two miscellaneous amendment reports per year are reported to Council. By-law amendments that are substantive in nature are not included in these packages, but are reported separately.

Strategic Analysis

Amendments to the Zoning and Development By-law:

1) RT-5 and RT-5N and RT-6: Multiple Conversion Dwelling and Infill

Following the Character Home Zoning Review, on January 16, 2018, Council enacted zoning amendments to the RT-5, RT-5N and RT-6 and all RS District Schedules to align character incentives across the zones. A character house definition was introduced, and clarifications

were made to the RT-5, RT-5N, and RT-6 zones to confirm that Multiple Conversion Dwelling and Infill uses are permitted as incentives to the retention of character houses. It has come to the attention of staff that Multiple Conversion Dwelling and Infill uses exist which were approved under previous iterations of the RT-5, RT-5N, and RT-6 zoning where the original house may not meet the new character house definition. Those existing Multiple Conversion Dwelling and Infill uses on non-character house sites were inadvertently omitted from the revised district schedule, and would therefore be considered “nonconforming uses”. Both the Director of Planning and the Board of Variance are unable to approve alterations to a nonconforming use, which would preclude the property owner’s ability to renovate or provide improvements to their buildings, which was not the intent. The text amendment would reinstate these existing uses in the district schedules to correct the previous omission, and provide consistency in the wording of these use descriptions for the RT-5 and RT-5N, and RT-6 District Schedules.

It is therefore recommended that the RT-5 and RT-5N Districts Schedule be amended to include the following conditional Dwelling uses in Section 3.2.1.DW [Dwelling]:

- Infill existing on the site as of January 16, 2018.
- Multiple Conversion Dwelling (other than as provided for in section 2.2.1.DW of this Schedule) existing on the site as of January 16, 2018, provided that:
 - (a) additions shall be in keeping with the character of the building, and,
 - (b) no housekeeping or sleeping units shall be created.

It is also recommended that the RT-6 District Schedule be amended to include the following conditional Dwelling uses in Section 3.2.DW [Dwelling]:

- Infill existing on the site as of January 16, 2018.
- Multiple Conversion Dwelling (other than as provided for in section 2.2.DW of this Schedule) existing on the site as of January 16, 2018, provided that:
 - (a) additions shall be in keeping with the character of the building, and,
 - (b) no housekeeping or sleeping units shall be created.

2) RT-6: Dwelling Unit Density

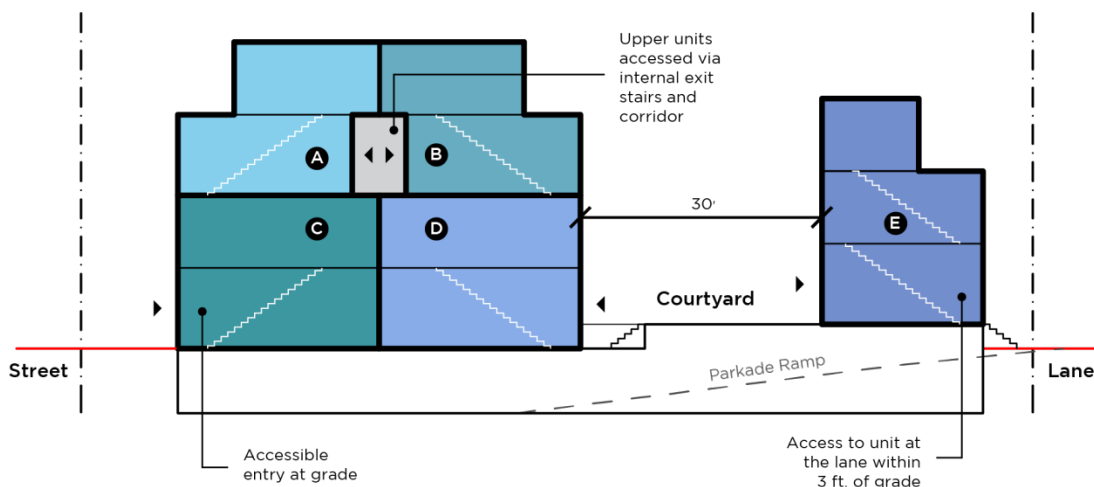
On July 10, 2018 Council approved amendments to the Zoning and Development By-law as described in the report titled *Miscellaneous Amendments - Zoning and Development, Sign and Downtown-Eastside/Oppenheimer District Official Development Plan By-laws* to clarify that the dwelling unit density calculations in Section 4.18.1 of the RT-5 and RT-5N Districts Schedule only apply to larger sites that qualify for a Multiple Dwelling or sites with a Character House. A new Section 4.18.2 was also added to clarify the dwelling unit density calculations for standard lots that are not large enough to qualify for a Multiple Dwelling, or sites that do not contain a Character House. The amendments to the RT-5 and RT-5N Districts Schedule that were approved should have also applied to the RT-6 District Schedule as the same regulations were meant to apply to both zoning districts.

It is therefore recommended that Section 4.18 of the RT-6 District Schedule be amended to be consistent with the July 10, 2018 amendments to the RT-5 and RT-5N Districts Schedule.

3) RM-12N: Side and Rear Yard Minimum Requirements

As part of the implementation of the Grandview Woodland Plan, the RM-12N District Schedule was approved by Council on September 18, 2018. The RM-12N District Schedule encourages 3.5-storey townhouses in stacked and courtyard configurations, and also permits 4-storey apartments on larger sites. “Hybrid” townhouses may also be considered on larger sites in accordance with the RM-12N Design Guidelines. A hybrid is a building that contains townhouses with individual unit entries on the lower levels, as well as units accessed by a common corridor similar to an apartment building on the upper levels. The hybrid typology provides the potential for upper level units to be visitable and accessible as they may be served by an elevator.

Example Hybrid Townhome



An amendment to the RM-12N District Schedule is required to correct an inadvertent error that precludes hybrid townhouses in a courtyard configuration. Section 5 identifies the minimum site frontage and site area required for an apartment or hybrid townhouse typology, however, the side and rear yard regulations are applicable to stand alone apartments only, and would preclude hybrid townhouses in a courtyard configuration. The RM-12N Guidelines currently include general guidance on side and rear yard requirements that apply to all building typologies.

It is therefore recommended that the side and rear yard requirements be removed from the District Schedule and the RM-12N Guidelines consequentially amended to provide additional clarification around the side and rear yard requirements based on building typology, as shown in Appendix C to allow more flexibility in the administration of the apartment and hybrid typologies.

4) Miscellaneous Text Amendments

This report also proposes various housekeeping amendments that are needed for clarity and in some cases to correct inadvertent errors. The table below summarizes the proposed amendments.

Section	Proposed Amendment
Section 3.2.1.DW of the RT-5 and RT-5N Districts Schedule	Correct an error in the date of enactment from September 16, 2018 to January 16, 2018.
Section 4.7.1 of the RT-5 and RT-5N Districts Schedule	Correct errors in punctuation by deleting the “or” at the end of 4.7.1 (c) (i) and replacing it with “;” and inserting “.” at the end of 4.7.1 (c) (iii).
Sections 5.1 and 5.2 of the RM-3 District Schedule	Delete a reference to the Development Permit Board that was inadvertently missed in amending By-law 12284.
Section 4.15.1 of the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule	Add the RM-8AN district to the acoustics regulations in Section 4.15.1 that was inadvertently omitted.
3.2.1.S [Service] of the FC-2 District Schedule	Add Short Term Rental Accommodation as a conditional use as it was inadvertently omitted when the FC-2 District Schedule was drafted due to the concurrent timing of reports and the Public Hearing process.
Section 5.6 of the HA-1 and HA-1A District Schedule	Fix an error in numbering by changing “5.6” to “5.5”.

Amendments to the Sign By-law:

1) Section 9.25 (h) - 1181 Seymour Street

Section 9.25 (h) incorrectly identifies 1181 Seymour Street as the Orpheum Theatre when it is the Vancity Theatre. It is therefore recommended the reference to the “(Orpheum Theatre)” be replaced with “(Vancity Theatre)”.

2) Section 9.25 - Renumbering

Section 9.25 contains a list of site-specific sign regulations, including CD-1 sites with limitations on fascia sign height, as required by the Higher Buildings Policy. To allow future higher building sites to be added without renumbering, and to improve the legibility of this section, it is recommended the list be reformatted to group higher building sites into the same sub-section. This would differentiate between sites with sign regulations based on the Higher Buildings Policy and those with regulations based on other policy or Council decisions, as shown in Appendix B.

Financial Implications

Staff do not anticipate any material changes to development contributions arising from the proposed text amendments.

CONCLUSION

This report recommends several minor regulatory amendments that will, if approved, correct errors and improve clarity, update regulations, and provide more certainty for both staff and applicants. These minor amendments ensure continuous improvements and modernization of the City's By-laws.

* * * * *

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

**DRAFT By-law to amend Zoning and Development By-law No. 3575
Miscellaneous amendments regarding RT-6 dwelling unit density, RM-12N side and rear
yards and housekeeping**

1. This By-law amends or adds to the indicated provisions of the Zoning and Development Bylaw.
2. In the RT-5 and RT-5N Districts Schedule, Council:
 - (1) amends Section 3.2.1.DW [Dwelling] by:
 - (i) striking “September” after “Character House existing on the site as of” and substituting “January”;
 - (ii) adding:
 - “• Infill existing on the site as of January 16, 2018.”
 - after
 - “• Infill in conjunction with retention of a Character House existing on the site as of January 16, 2018.”;
 - (iii) adding:
 - “• Multiple Conversion Dwelling (other than as provided for in section 2.2.1.DW of this Schedule) existing on the site as of January 16, 2018, provided that:
 - (a) additions shall be in keeping with the character of the building, and,
 - (b) no housekeeping or sleeping units shall be created.”
 - after
 - “• Multiple Conversion Dwelling (other than as provided for in section 2.2.1.DW of this Schedule), in conjunction with retention of a Character House existing on the site as of January 16, 2018, that contains no housekeeping or sleeping units.”;
 - (2) amends Section 4.7.1 (c)(i) by striking out “or” and substituting “,”; and
 - (3) amends Section 4.7.1 (c)(iii) by adding “.” to end of the paragraph.
3. In the RT- 6 District Schedule, Council:
 - (1) amends Section 3.2.DW [Dwelling] by:

(i) striking:

- “• Multiple Conversion Dwelling,¹ in conjunction with retention of a Character House existing on the site as of January 16, 2018, that contains no housekeeping or sleeping units.”

and substituting:

- “• Multiple Conversion Dwelling (other than as provided for in section 2.2.DW of this Schedule), in conjunction with retention of a Character House existing on the site as of January 16, 2018, that contains no housekeeping or sleeping units.”;

(ii) striking the footnote:

“¹ [other than as provided for in Section 2.2.DW of this Schedule]”;

(iii) adding:

- “• Infill existing on the site as of January 16, 2018.”

after

- “• Infill in conjunction with retention of a Character House existing on the site as of January 16, 2018”;

(iv) adding:

- “• Multiple Conversion Dwelling (other than as provided for in section 2.2.DW of this Schedule) existing on the site as of January 16, 2018, provided that:
 - (a) additions shall be in keeping with the character of the building, and,
 - (b) no housekeeping or sleeping units shall be created.”

after

- “• Multiple Conversion Dwelling (other than as provided for in section 2.2.DW of this Schedule), in conjunction with retention of a Character House existing on the site as of January 16, 2018, that contains no housekeeping or sleeping units.”;

(2) strikes out Section 4.18.1 and substitutes:

- “4.18.1 For a site which meets the minimum site area requirement for a Multiple Dwelling, or a site with a Character House, the total number of dwelling units shall not exceed 74 units per hectare, including lock-off units and secondary suites, except where the calculation of dwelling units per hectare results in a fractional number, in which case, the nearest whole

number shall be taken and one-half shall be rounded up to the next nearest whole number.”; and

(3) adds, in numerical order:

“4.18.2 For all other sites, the total number of dwelling units shall not exceed 2, excluding lock-off units and secondary suites.”.

4. In the RM-3 District Schedule, Council:

(1) in section 5.1, strikes out “The Director of Planning or the Development Permit Board, as the case may be,” and substitutes “The Director of Planning”; and

(2) in section 5.2, strikes out:

“The Director of Planning or the Development Permit Board, as the case may be, may relax the minimum site area requirements of this Schedule with respect to any of the following developments where the Director of Planning or the Development Permit Board considers the development site to consist of locked-in lots and provided the Director of Planning or the Development Permit Board also considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.”

and substitutes:

“The Director of Planning may relax the minimum site area requirements of this Schedule with respect to any of the following developments where the Director of Planning considers the development site to consist of locked-in lots and provided the Director of Planning also considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.”.

5. In Section 4.15.1 of the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, Council strikes “RM-8N District” and substitutes “RM-8N and RM-8AN Districts”.

6. In the RM-12N District Schedule Council:

(1) amends Section 5.1 (a) by striking out:

“(iii) side yards with a minimum width of 2.1 m; and
(iv) a rear yard with a minimum depth of 6.1 m;”;

(2) amends Section 5.1 (a)(i) by adding “and” at the end of the sentence;

(3) amends Section 5.1 (a)(ii) by striking out “;” and substituting “.”;

(4) amends Section 5.1 (b) by striking out:

“(iii) side yards with a minimum width of 2.1 m; and
(iv) a rear yard with a minimum depth of 6.1 m;”;

(5) amends Section 5.1 (b)(i) by adding “and” at the end of the sentence; and

(6) amends Section 5.1 (b)(ii) by striking out “;” and substituting “.”.

7. In Section 3.2.1.S [Service] of the FC-2 District Schedule, Council adds:

“• Short Term Rental Accommodation.”.

8. In the HA-1 and HA-1A District Schedule, Council renumbers 5.6 as 5.5.

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

**DRAFT By-law to amend Sign By-law No. 11879
Regarding Housekeeping**

1. This By-law amends or adds to the indicated provisions of By-law 11879.
2. Council strikes Section 9.25 and substitutes:

“9.25 Site Specific Regulations

Despite anything to the contrary in this by-law, the following site specific signs are permitted in the Commercial, Mixed Use and Industrial Sign District:

- (1) 1181 Seymour Street (Vancity Theatre)

A projecting sign that may include third party advertising;

- (2) 700 Hamilton Street (CBC Building)

In the block bounded by Cambie, Georgia, Hamilton and Robson Streets:

- (a) one free-standing sign adjacent to the corner of Robson Street and Hamilton Street that:
 - (i) has a copy area with a vertical dimension no greater than 0.31 m,
 - (ii) is no more than 3.7 m in height,
 - (iii) has a logo no more than 0.135 m² in sign area,
 - (iv) may be within 25 m of a residential use, and
 - (v) may be on the same frontage of the site as a projecting sign that identifies the same occupant;
- (b) one electronic message sign that is a fascia sign, at the level of the first storey and facing Cambie Street, that:
 - A. may have a copy area that is 100% of the sign area, and
 - B. may operate 24 hours a day;
- (c) one electronic message sign that is a fascia sign facing Georgia Street that may have a copy area that is 100% of the sign area;
- (d) one double sided electronic message sign that:
 - A. is a free-standing sign,
 - B. is on the Hamilton Street frontage,
 - C. has a copy area no greater than 2.9 m² on each side of the sign,
 - D. may be within 45 m of another free-standing sign, measured along the frontage of the site,
 - E. may operate 24 hours a day, and
 - F. may be on the same frontage of the site as a projecting sign that identifies the same occupant; and
- (e) one electronic video sign, that:
 - A. is a projecting sign,
 - B. is on the second storey,
 - C. has a sign area no greater than 15 m²,
 - D. may include third party advertising,
 - E. may be perpendicular to the building face,
 - F. may project more than 3.0 m from the building face,

- G. may have a copy area that is 100% of the sign area,
- H. may be on the same frontage of the site as a free-standing sign that identifies the same occupant, and
- I. may operate 24 hours a day;

(3) 639 Commercial Drive (CD-1(514)) (York Theatre)

On the site zoned (CD-1 (514)):

- (a) two electronic message signs, that:
 - A. are canopy signs,
 - B. are above the main entrance on Commercial Drive,
 - C. are within 30 m of a dwelling unit,
 - D. have a copy area with a vertical dimension no greater than 0.686 m,
 - E. have a copy area no greater than 2.4 m²,
 - F. are no more than 3.81 m in height,
 - G. may include the name of a corporate sponsor if the name does not exceed 50% of the copy area,
 - H. must have the illumination of the electronic copy reduced by 25% at dusk, and
 - I. must be turned off between 11 p.m. and 8 a.m.;
- (b) one fascia sign, that:
 - A. is at the level of the parapet facing Commercial Drive,
 - B. has a vertical dimension no greater than 1.4 m,
 - C. has a sign area no greater than 7.8 m²,
 - D. does not extend beyond the top of the parapet,
 - E. may include the name of a corporate sponsor if the name does not exceed 20% of the copy area,
 - F. is illuminated only between dusk and 11 p.m., and
 - G. is not backlit;

(4) 162 West 1 Avenue (CD-1 (462)) (BMO Theatre Centre)

On the site zoned (CD-1 (462)) one canopy sign, that:

- (a) is within 30 m of a dwelling unit,
- (b) projects less than 1.0 m from the building face, and
- (c) may be illuminated, except between 11 p.m. and 8 a.m.;

(5) 520 West Georgia Street (CD-1 (525)) (Telus Garden)

On the site zoned (CD-1 (525)) one electronic video sign that:

- (a) is a retractable screen sign,
- (b) is on the west face of the building,
- (c) has a vertical dimension no greater than 7.5 m,
- (d) is no more than 11 m wide,
- (e) is no more than 67.7 m in height,
- (f) may include a logo or slogan containing first party advertising with a copy area no greater than 8.25 m²,
- (g) has a luminance no greater than 330 nits,
- (h) is not in use between 11 p.m. and 7 a.m.,
- (i) is retracted when not in use, and
- (j) may contain sign copy that advertises, promotes or directs attention to businesses, goods or services, matters or activities pertaining to a civic,

artistic or cultural institution, society, event or purpose not located on the site.

9.26 Site Specific Regulations for Higher Buildings Policy Sites

Despite anything to the contrary in this by-law, the following site specific signs for Higher Buildings Policy sites are permitted in the Commercial, Mixed Use and Industrial Sign District:

- (1) 1001 Hornby Street (CD-1 (386)) (Sheraton Vancouver Wall Centre)
A fascia sign on the site zoned CD-1 (386) that is no more than 107 m in height;
- (2) 1128 West Hastings Street (CD-1 (409)) (Marriott Pinnacle Hotel)
A fascia sign on the site zoned CD-1 (409) that is no more than 107 m in height;
- (3) 801 West Georgia Street (CD-1 (413)) (Rosewood Hotel Georgia)
A fascia sign on the site zone CD-1 (413) that is no more than 137 m in height;
- (4) 1120 West Georgia Street (CD-1 (426)) (Shangri-la Hotel)
A fascia sign on the site zoned CD-1 (426) that is no more than 137 m in height;
- (5) 1133 West Georgia Street (CD-1 (446)) (Trump Tower)
A fascia sign on the site zoned CD-1 (446) that is no more than 137 m in height;
- (6) 1412-1480 Howe Street, 1429 Granville Street, and 710 Pacific Street (CD-1 (580)) (Vancouver House)
A fascia sign on the site zoned CD-1 (580) that is no more than 68.6 m in height;
- (7) 1229-1281 Hornby Street (CD-1 (588)) (Burrard Gateway)
A fascia sign on the site zoned CD-1 (588) that is no more than 91.4 m in height;
- (8) 1133-1155 Melville Street (CD-1 (722))
A fascia sign on the site zoned CD-1 (722) that is no more than 137 m in height.

* * * * *

Note: Amendments to Council-adopted guidelines will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Draft Amendments to the RM-12N Guidelines

Proposed amendments are shown in *italics*

4.5 Side Yard

For Courtyard Rowhouses, Stacked Townhouses, and Hybrid Townhouses:

The minimum side yard is 1.2 m (4 ft.)

A 2.4 m (8 ft.) side yard may be required at **one side** of the front building to provide space for a 2.0 m (6.56 ft.) fire-fighter access path from the street to the units at the courtyard and the rear of the site. See Section 2.4.

Generally, exterior side yards on corner sites should be treated as front yards, and should have a setback of 3.7 m (12 ft.). See **Figure 2**.

For 4-storey Apartments:

The minimum side yard is 2.1 m (7 ft.).

Generally, exterior side yards on corner sites should be treated as front yards, and should have a setback of 3.7 m (12 ft.).

Yards are measured from the ultimate property line, i.e. after any dedication. See also Section 4.14.

4.6 Rear Yard

For Courtyard Rowhouses, Stacked Townhouses, and Hybrid Townhouses:

A minimum rear yard of 1.8 m (6 ft.) is required to the rear building of a courtyard configuration from the lane to provide space for secondary entrance porches and patios, as well as planting along the lane.

Secondary entrances from the lane are encouraged to provide a residential scale and character. However the lane entry is not considered to be the primary unit entrance for fire-fighter access as required by the Vancouver Building By-Law. The primary unit entrance must be accessed from the street via a 2 m (6.56 ft.) clear continuous path and, as such, will be located facing the courtyard and the front of the site.

For 4-storey Apartments:

The minimum rear yard is 6.1 m (20 ft.).

Yards are measured from the ultimate property line, i.e. after any dedication. See also Section 4.14.