



## POLICY REPORT

Report Date: September 17, 2019  
Contact: Chris Robertson  
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Meeting Date: October 1, 2019

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Miscellaneous and Housekeeping Amendments – Zoning and Development By-law, Sign By-law and Rental Housing Stock Official Development Plan By-law

### **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 the definition of Rental Housing Unit in Section 2 to exclude equity co-op units and to clarify requirements for exclusion of stratified buildings;
  - (ii) amend Section 4.17.43 (e) of the RS-6 and the RS-7 District Schedule to add periods that were inadvertently omitted;
  - (iii) amend Section 2.2.1.A of the RT-5 and RT-5N Districts Schedule to correct an error in numbering;
  - (iv) amend Section 2.2.2 of the C-5, C-5A and C-6 Districts Schedule to delete a section that is no longer in use;

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 1.3 to delete duplication of a definition;
  - (ii) amend Section 12.20 to correct an incorrect building corner reference;
  - (iii) amend Sections 9.3, 10.3, 11.3, 12.3, 13.3 and 14.3 to align awning sign regulations with the Vancouver Building By-law;

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 the General Manager of Planning, Urban Design and Sustainability be instructed to make application to amend the Rental Housing Stock Official Development By-law, generally as presented in Appendix C, to:

- (i) amend the definition in Section 1.1 to exclude equity co-op units and to clarify requirements for exclusion of stratified buildings;

and that the application be referred to Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending By-law, generally in accordance with Appendix C, for consideration at Public Hearing.

### **REPORT SUMMARY**

This report proposes miscellaneous amendments to the Zoning and Development By-law and the Rental Housing Stock Official Development Plan to exclude equity co-op units from the definition of Rental Housing Unit and to clarify requirements for exclusion of stratified buildings. Housekeeping amendments to the Zoning and Development By-law and Sign By-law are also proposed. The miscellaneous and housekeeping amendments would achieve the intent of the by-laws and correct inadvertent errors.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

On June 5, 2018, Council approved amendments to the Rental Housing Stock Official Development Plan as described in the *Measures to Retain the Rental Housing Stock -Building Reinvestment Actions and Amendments to the Rental Housing Stock Official Development Plan* 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 definition of Rental Housing Unit in the Zoning and Development By-law and the Rental Housing Stock Official Development By-law:**

On June 5, 2018, Council approved amendments to the Rental Housing Stock Official Development Plan By-law (RHS ODP), to further protect the exiting rental stock and to provide clarity in the implementation process. The definition of “rental housing unit” was revised to clarify when rental replacement is required, including an exclusion for units in stratified buildings where the majority of the units were individually owned within the last three years and the building is in the process of dissolving the strata corporation for the purposes of redevelopment. These buildings could contain rented condos or the units may be rented back to the owner by the developer as part of their sales agreement. This exclusion was included because it was never the intention of the RHS ODP to require rental replacement for strata buildings going through the dissolution and redevelopment process.

There is a need to clarify the start date of the three year window that relates to the exclusion for units in stratified buildings. Currently, the RHS ODP is not explicit as to when in the development process the three year window begins for stratified buildings undergoing dissolution or redevelopment. In practice, staff interpret the three year window to begin at the time of rezoning or development permit application date. In addition, it has come to the attention of staff that equity co-ops, an early form of ownership that existed prior to the adoption of the Strata Titles Act in 1966, should have also been included in the exclusion. Equity co-ops were a common multi-family housing model prior to the introduction of the strata property legislation in the late 1960's. They are a form of for-sale market ownership that is different from non-profit rental housing co-ops in that the development is primarily financed by member equity, and does not involve any government funding or subsidy. Similar to strata buildings going through the sale/ redevelopment process, equity co-op buildings can contain units that are rented out as secondary units or back to the equity co-op member by the developer.

It is therefore recommended that the definition of “rental housing unit” in both the Zoning and Development By-law and the RHS ODP be amended to make clear when the three year window begins for stratified buildings undergoing dissolution, as well as to clarify that rental replacement is not required for units in an equity co-op and the start date of the three year window. The revised definition for the Zoning and Development By-law is below with the changes underlined:

“For the purposes of section 3.3.6 of this By-law, and for the purposes of section 3.3.1 of the RM-2, RM-3, RM-3A, RM-4 and RM-4N District Schedules, section 3.3.4 of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, and section 3.3.2 of the RM-6, and FM-1 District Schedules, a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents, or has rented, for the purpose of living accommodation but does not include:

- a) a unit rented by a not for profit housing cooperative to a member of the cooperative;
- b) a unit in a community care facility or group residence;
- c) a unit in a hotel;
- d) units in an equity co-op where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the building was operated as an equity co-op within the last three years; or
- e) units in a strata titled building where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the majority of the units were within the last three years individually owned and:
  - i. for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
  - ii. for which all the strata lots within the corporation are now under single ownership.”

The revised definition for the Rental Housing Stock Official Development Plan By-law is below with the changes underlined:

“rental housing unit” means a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents or has rented for the purpose of living accommodation, but does not include:

- a) a unit rented by a not for profit housing cooperative to a member of the cooperative;
- b) a unit in a community care facility or group residence;
- c) a unit in a hotel;
- d) units in an equity co-op where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the building was operated as an equity co-op within the last three years; or
- e) units in a strata titled building where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the majority of the units were within the last three years individually owned and:
  - i. for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
  - ii. for which all the strata lots within the corporation are now under single ownership; and”

### Amendments to the Zoning and Development By-law

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 4.17.43(e) of the RS-6 and the RS-7 District Schedule	Correct errors in punctuation to add periods that were inadvertently omitted.
Section 2.2.1.A of the RT-5 and RT-5N Districts Schedule	Fix an error in numbering.

Section 2.2.2 of the C-5, C-5A and C-6 Districts Schedule	Delete a section that is no longer in use.
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**Amendments to the Sign By-law:**

**1) Section 1.3**

Section 1.3 references the definition of the Building By-law twice. This amendment would delete the duplicate reference.

**2) Section 12.20**

Section 12.20 incorrectly identifies the sign location for 798 Granville Street as the “northeast” corner of the building. The proposed change would correct this error from “northeast” to “southwest”.

**3) Sections 9.3, 10.3, 11.3, 12.3, 13.3 and 14.3**

The sections noted above contain regulations for awning signs. It is proposed to update the regulations for awning signs, to clearly state that illumination is not permitted, consistent with the Vancouver Building By-law, which prohibits electrical wiring or illuminated devices from being attached to an awning.

***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.

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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 Provisions to Amend Zoning and Development By-law No. 3575,  
Miscellaneous Amendments Regarding Rental Housing Unit  
Definition and Housekeeping**

1. This By-law amends or adds to the indicated provisions of the Zoning and Development Bylaw No. 3575.
2. In Section 2, Council amends the definition of Rental Housing Unit by striking out:

“For the purposes of section 3.3.6 of this By-law, and for the purposes of section 3.3.1 of the RM-2, RM-3, RM-3A, RM-4 and RM-4N District Schedules, section 3.3.4 of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, and section 3.3.2 of the RM-6, and FM-1 District Schedules, a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents, or has rented, for the purpose of living accommodation but does not include a unit rented by a not for profit housing cooperative to a member of the cooperative, a unit in a community care facility or group residence, a unit in a hotel, or units in a strata titled building where the majority of the units were within the last three years individually owned and:

- (a) for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
- (b) for which all the strata lots within the corporation are now under single ownership”

and substituting:

“For the purposes of section 3.3.6 of this By-law, and for the purposes of section 3.3.1 of the RM-2, RM-3, RM-3A, RM-4 and RM-4N District Schedules, section 3.3.4 of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule, and section 3.3.2 of the RM-6, and FM-1 District Schedules, a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents, or has rented, for the purpose of living accommodation but does not include:

- a) a unit rented by a not for profit housing cooperative to a member of the cooperative;
- b) a unit in a community care facility or group residence;
- c) a unit in a hotel;
- d) units in an equity co-op where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the building was operated as an equity co-op within the last three years; or
- e) units in a strata titled building where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the majority of the units were within the last three years individually owned and:
  - i. for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or

- ii. for which all the strata lots within the corporation are now under single ownership.”
3. In the RS-6 and RS-7 District Schedule, Council amends Section 4.17.43 (e) by adding a period at the end of the subsection.
4. In the RT-5 and RT-5N Districts Schedule, Council amends section 2.2.1.A by:
  - i. adding a semi-colon at the end of subsection (d); and
  - ii. striking out:

“(d)[sic] not more than 80 percent of the width of the rear yard of any lot is occupied by accessory buildings; and  
(e)[sic] roof decks and sundecks are not located on an accessory building.”

and substituting:

“(e) not more than 80 percent of the width of the rear yard of any lot is occupied by accessory buildings; and  
(f) roof decks and sundecks are not located on an accessory building.”
5. In the C-5, C-5A and C-6 Districts Schedule, Council strikes out Section 2.2.2.

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 Provisions 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 amends Section 1.3 by striking out the duplicate definition “Building By-law means the City’s Building By-law.” that appears above the definition “**Building By-law** means the City’s Building By-law.”.
3. Council amends Section 12.20(a)(i), by striking out “northeast” and substituting “southwest”.
4. Council amends the awning sign regulations as follows:
  - i. In Sections 9.3, 10.3, 12.3, 13.3, and 14.3, by:
    - (a) striking out “and” at the end of sub-section (g)(ii);
    - (b) striking out “.” at the end of sub-section (h) and substituting “; and”; and
    - (c) by adding a new sub-section “(i) may not be illuminated.”
  - ii. In Section 11.3, by:
    - (a) striking out “and” at the end of sub-section (h)(ii);
    - (b) striking out “.” at the end of sub-section (i) and substituting “; and”; and
    - (c) by adding a new sub-section “(j) may not be illuminated.”



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 Provisions to Amend Rental Housing Stock  
Official Development Plan No. 9488 Regarding Amendments to the  
Rental Housing Unit Definition**

1. This By-law amends or adds to the indicated provisions of By-law No. 9448.
2. In Section 2, Council amends the definition of Rental Housing Unit by striking out:

“rental housing unit” means a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents, or has rented, for the purpose of living accommodation but does not include a unit rented by a not for profit housing cooperative to a member of the cooperative, a unit in a community care facility or group residence, a unit in a hotel, or units in a strata-titled building where the majority of the units were within the last three years individually owned and:

- (a) for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
- (b) for which all the strata lots within the corporation are now under single ownership; and”

and substituting:

““rental housing unit” means a dwelling unit, housekeeping unit, or sleeping unit on a site that a tenant rents or has rented for the purpose of living accommodation, but does not include:

- a) a unit rented by a not for profit housing cooperative to a member of the cooperative;
- b) a unit in a community care facility or group residence;
- c) a unit in a hotel;
- d) units in an equity co-op where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the building was operated as an equity co-op within the last three years; or
- e) units in a strata titled building where, at the time of rezoning application, or at the time of development permit application for projects that do not require rezoning, the majority of the units were within the last three years individually owned and:
  - i. for which a petition has been filed with the Supreme Court of BC to dissolve the strata corporation; or
  - ii. for which all the strata lots within the corporation are now under single ownership; and”.