



REFERRAL REPORT

Report Date: November 13, 2019
Contact: Chris Robertson
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VanRIMS No.: 08-2000-20
Meeting Date: December 10, 2019

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Miscellaneous Amendments - Zoning and Development By-law and Sign Fee By-law

RECOMMENDATION

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make an application to amend the Zoning and Development By-law, generally as presented in Appendix A, to:
- (i) remove Section 4.17.1 of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D and RM-6 District Schedules based on superceding policies in the West End Community Plan for infill housing and lane activation;
 - (ii) amend section 3.2.1(h) to give the Director of Planning the discretion to relax dwelling unit density regulations in district schedules for Low Operational Cost Housing where, due to conditions peculiar either to the site or the proposed development, literal enforcement would result in unnecessary hardship;
 - (iii) make various housekeeping amendments to correct section references, to correct typographical, grammatical and formatting errors, to correct errors and omissions to the HA-1 and HA-1A districts schedule when an outdated version of the districts schedule was used, to update a map with current street reference and property lines, and to amend certain sections that were inadvertently missed when the consequential updates to section 10 and 11 references were enacted by Council in July 2019;
- 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 an application to amend the Sign Fee By-law, generally as presented in Appendix B, to correct an omission by including an additional reference;

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.

REPORT SUMMARY

This report proposes miscellaneous amendments to the Zoning and Development By-law and the Sign Fee By-law. The amendments would achieve the intent of the by-laws and correct inadvertent errors and update references.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

On July 23, 2019, Council enacted amendments to the Zoning and Development By-law, Sign By-law and RM-12N Guidelines as described in the *Miscellaneous Amendments – Zoning and Development By-law, Sign By-law and RM-12N Guidelines* report.

On July 9, 2019, Council enacted amendments to the Zoning and Development By-law as described in the *Regulation Redesign – Amendments to the Zoning and Development By-law, Various Official Development Plans, Parking By-law and Various Land Use and Development Policies and Guidelines* 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 September 18, 2018, Council enacted amendments to the Zoning and Development By-law as described in the *Amendments to the Chinatown HA-1 and HA-1A Districts Schedule, Design Guidelines and Policies* 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 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 April 18, 2018, Council enacted amendments to the Zoning and Development By-law as described in the *Regulating Short-Term Rentals in Vancouver* report.

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 November 20, 2013, Council approved the West End Community Plan, along with an accompanying West End Rezoning Policy and Infill Housing Guidelines.

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) RM-5, RM-5A, RM-5B, RM-5C and RM-5D and RM-6: Section 4.17.1

The West End Community Plan, along with an accompanying West End Rezoning Policy and Infill Housing Guidelines, were approved by Council in November 2013. These planning documents place a strong emphasis on infill development in the West End neighbourhood through the delivery of smaller-scale residential buildings fronting onto typically wider rear laneways. This infill housing, in a form compatible with existing development on the site, is intended to transform lanes into active and vibrant community spaces.

Currently, Section 4.17.1 of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D District Schedule and RM-6 District Schedule requires that all opening windows in residential units be located a minimum of 4.5 m (14.8 ft.) from any lane. This requirement, existing in the West End District Schedules since 1989, is in contradiction to both the above policy of infill housing fronting the lane, as well as the 2.1 m (6.8 ft.) rear yard setback in the RM-5 et al and the RM-6 District Schedules.

As well, the Parking By-law includes a provision with similar intent to Section 4.17.1 of the Zoning and Development By-law. Section 4.8.6 of the Parking By-law stipulates that with the exception of developments containing no more than two dwelling units, all off-street parking spaces must be located a minimum of 4.6 metres from any window, vent or wall opening

providing access to residential accommodation in any building throughout the city. Although Section 4.8.6 regulates off-street parking distances from residential units rather than lanes, both sections share a similar intent of protecting residents from the dangers of car exhaust fumes. It is therefore recommended that Section 4.17.1 of the RM-5, RM-5A, RM-5B, RM-5C and RM-5D District Schedule and the RM-6 District Schedule be deleted as it contradicts with the West End's infill housing policy and the rear yard setback and is no longer relevant.

2) Section 3.2.1(h) – Relaxation for Low Operational Cost Housing

Staff recommend amending the Zoning and Development By-law to give the Director of Planning the discretion to relax the maximum unit density regulations in the district schedules when applying the Zero Emissions Building Catalyst Policy where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship. In some development scenarios, the current regulation could lead to larger than intended units. The proposed change would permit a greater number of smaller dwelling units to be approved.

3) Miscellaneous Housekeeping Amendments

Miscellaneous housekeeping amendments are proposed to:

- correct section references, typographical, grammatical and formatting errors;
- capitalize the term “passive house” which refers to an official certified building standard;
- amend the B.C. Place/Expo District Schedule to update the name of Abbott Street, which has been renamed “Pat Quinn Way”, and revise outdated property lines in a map;
- correct errors and omissions that occurred when an outdated version of the HA-1 and HA-1A districts schedule was used to bring forward changes and the districts schedule was repealed and replaced; and
- amend certain sections that were inadvertently missed when the consequential updates to section 10 and 11 references were enacted by Council in July 2019.

Amendment to Sign Fee By-law:

The correction of an inadvertent error in subsection 1.5 of Schedule 1 (Sign By-law Amendment Application Fees) of the Sign Fee By-law is necessary by adding “or Schedule B” after “Schedule A”, wherever it appears.

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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APPENDIX A

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

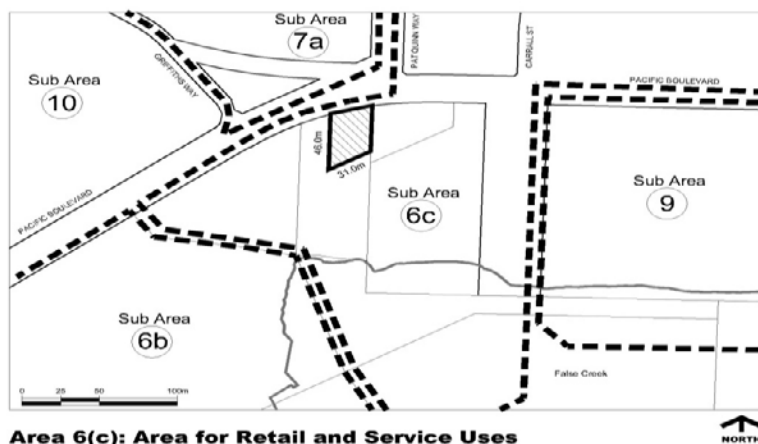
**DRAFT By-law to amend
Zoning and Development By-law No. 3575
regarding miscellaneous amendments**

1. This By-law amends the indicated provisions of the Zoning and Development By-law.
2. In section 2, Council strikes out “SCHEDULE A” above the heading “Section 2”.
3. In sections 2, 10, and 11, Council:
 - (a) strikes out “APPENDIX A” at the top of each page;
 - (b) strikes out the references to “PAGE 10 OF 76” through “PAGE 76 OF 76” at the top of each page; and
 - (c) strikes out the black line that appears across the top and the bottom of each entire page.
4. In sections 2 and 10, Council strikes out “passive house” wherever it appears, and substitutes “Passive House”.
5. In section 2, in the definition of Social Housing, Council strikes out “Downtown-Eastside” and substitutes “Downtown Eastside”.
6. In section 3.2.1(h), Council strikes out “or density of units”.
7. In section 5.21(b), Council strikes out “sections 11.29.3 to 11.29.11 of the Zoning and Development By-law” and substitutes “section 11.36 of this By-law”.
8. In section 5.22, Council strikes out “the Zoning and Development” and substitutes “this”.
9. In section 11.23.3(e), Council strikes out “Downtown-Eastside” and substitutes “Downtown Eastside”.
10. In Schedule F, Council strikes out the title for Column 1 “Zoning District^{a)}” and substitutes “Zoning District”.
11. In section 2.2.A(b) of the C-3A District Schedule, Council strikes out “utimate” and substitutes “ultimate”.
12. In section 2.2.R of the M-2 District Schedule, Council strikes out “Full Serve.”” and substitutes “Full Serve.”

13. In the BC Place/Expo District Schedule, Council:

- (a) in section 2.2(b), strikes out “Abbott Street” and substitutes “Pat Quinn Way”; and
- (b) strikes out Figure 2 and substitutes the following:

“Figure 2



”

- 14. In the Downtown Eastside/Oppenheimer District Schedule, Council strikes out “Downtown-Eastside” wherever it appears, including the title, and substitutes “Downtown Eastside”.
- 15. In section 3.2.S of the First Shaughnessy District Schedule, Council strikes out “Rental Accommodation.”” and substitutes “Rental Accommodation.”.
- 16. In the HA-1 and HA-1A Districts Schedule, Council:
 - (a) In section 3.2.DW, strikes out the fourth bullet point;
 - (b) In section 3.2.R, strikes out “Medical Marijuana-related Use.” and substitutes “Cannabis Store.”;
 - (c) In section 3.2.S, adds “Short Term Rental Accommodation.” In the appropriate alphabetical order;
 - (d) In section 4.8 to 4.9, strikes out “**4.9 In Area ‘H’, of Map 1, The Rezoning Policy for Chinatown South (HA-1A) is no longer in effect.**” And substitutes “[Reserved]”;
 - (e) In section 5.2, strikes out “(b) the building is listed on the Vancouver Heritage Register or in the opinion of the Director of Planning has sufficient heritage value or heritage character to justify its conservation.”; and
 - (f) In section 5.3, strikes out “section 2.2.2.DW” and substitutes “section 2.2.1.DW”.
- 17. Under Artist Studio – Class B in section 3.2.C of the I-1 District Schedule, the I-2 District Schedule, the I-3 District Schedule, the M-1 District Schedule, the M-1A District Schedule,

- the M-1B District Schedule, and the M-2 District Schedule, Council strikes out “and provided” and substitutes “provided”.
18. Under Artist Studio in section 3.2.C of the IC-1 and IC-2 Districts Schedule, Council strikes out “and provided” and substitutes “provided”.
 19. In section 4.5.2 of the M-1B District Schedule, Council strikes out “11.3” and substitutes “10.20”.
 20. In the MC-1 and MC-2 Districts Schedule, Council:
 - (a) in section 2.3.4(b), strikes out “11.10.2” and substitutes “11.13.2”; and
 - (b) in section 3.3.3(b), strikes out “11.10.2” and substitutes “11.13.2”.
 21. In section 4.17.12 of the RS-6 District Schedule and the RS-7 District Schedule, Council strikes out “10.7.1(e)” and substitutes “10.32.1(e)”.
 22. In section 4.17.8 of the RS-6 District Schedule and the RS-7 District Schedule, Council strikes out “10.11.1” and substitutes “10.18.5”.
 23. In section 4 of the RT-5 and RT-5N Districts Schedule, Council strikes out “section 11.24 of this By-law; and”.
 24. In section 4 of the RT-6 District Schedule, Council strikes out “and is subject to section 11.24 of this By-law, and”.
 25. In the RT-7 District Schedule, Council:
 - (a) in section 1, Council strikes out “The intent this Schedule” and substitutes “The intent of this Schedule”; and
 - (b) in section 4.7.1(b), strikes out “pace” and substitutes “space”.
 26. Under Farmers’ Market in section 3.2.R of the RT-11 and RT-11N Districts Schedule, the RM-7, RM-7N and RM-7AN Districts Schedule, the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule the RM-10 and RM-10N Districts Schedule, the RM-11 and RM-11N Districts Schedule, and the RM-12N District Schedule, Council strikes out “and to compatibility” and substitutes “subject to compatibility”.
 27. In section 4(b) of the RT-11 and RT-11N Districts Schedule, the RM-7, RM-7N and RM-7AN Districts Schedule, the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, and the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule, Council strikes out “, and is regulated by section 11.24 of this by-law”.
 28. In section 4.5 of the RM-1 and RM-1N Districts Schedule, Council strikes out “sideyard” wherever it appears and substitutes “side yard”.
 29. In section 3.2.I of the RM-3A District Schedule, Council strikes out “Group Residence.3.2.P” and substitutes “Group Residence.”.

30. In the RM-5, RM-5A, RM-5B, RM-5C and RM-5D Districts Schedule and the RM-6 District Schedule, Council:
 - (a) strikes out section 4.17.1; and
 - (b) renumbers the remaining sections in section 4.17 accordingly.
31. In section 3.3.1(c) of the RM-6 District Schedule, Council strikes out “11.10.2” and substitutes “11.13.2”.
32. In section 3.2.S of the RM-7, RM-7N and RM-7AN Districts Schedule, Council strikes out “Rental Accommodation.” and substitutes “Accommodation.”.
33. Under Laneway House in section 3.2.DW of the RM-7, RM-7N and RM-7AN Districts Schedule, the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, and the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule, Council strikes out “and the RS-1 District Schedule” and substitutes “, subject to the RS-1 District Schedule”.
34. In section 3.2.R of the RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN Districts Schedule, Council strikes out “subject to the provisions of Section 11.21 of this By-law, and to”.
35. In section 3.2.DW of the RM-10 and RM-10N Districts Schedule, Council strikes out “subject to section 11.24 of this By-law and the current RS-1 District Schedule”.
36. In section 3.2.J of the RM-10 and RM-10N Districts Schedule and the RM-12N District Schedule, Council strikes out “, and subject to the provisions of Section 11.23 of this By-law”.

APPENDIX B

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 Fee By-law No. 11880 Regarding Housekeeping Amendments

1. This By-law amends the indicated provisions of the Sign Fee By-law No. 11880.
2. In section 1.5 of Schedule 1, Council adds “or Schedule B” after “Schedule A” wherever it appears.