



## REFERRAL REPORT

Report Date: November 29, 2021  
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Meeting Date: February 8, 2022

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Miscellaneous Amendments – Zoning and Development By-law and East Fraser Lands Official Development Plan

### **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. update bullet formatting in section 4.7 to match the existing template;
  - ii. re-insert a clause in section 10.18 permitting additional height for mid-rise residential buildings with more roof insulation that was inadvertently omitted by amending By-law No. 12865;
  - iii. clarify intent in section 10.29.1;
  - iv. include regulations for basements and exemptions for window wells in the RS-7 District Schedule that were inadvertently omitted in amending By-law No. 12719;
  - v. correct an omission in section 4.7.7 in the RM-11 and RM-11N Districts Schedule by including reference to two additional sections for which more density for multiple dwellings can be achieved through the purchase of amenity or affordable housing shares;
  - vi. correct an omission in sections 4.1.1. and 4.1.3 in the RM-3A District Schedule and section 4.1.1 in the RM-4 and RM-4N Districts Schedule to include seniors supportive or assisted housing as a use for which minimum site area requirements can be reduced;

- vii. replace an incorrect term for covered porches in the RS-1, RS-1A, RS-1B, RS-2, RS-5, RS-6, RS-7, RT-5 and RT-5N, RT-11 and RT-11N, RM-7, RM-7N and RM-7AN and RM-8, RM-8A, RM-8N and RM-8AN District Schedules;
- viii. correct a typographical error in section 4.6.2 in the RM-1 and RM-1N Districts Schedule; and
- ix. correct the minimum site area allowance for multiple dwellings to align with unit density in sections 4.1.2 and 4.1.3 in the RT-5 and RT-5N Districts Schedule and the RT-6 District Schedule;

FURTHER THAT the application be referred to a Public Hearing;

AND 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 East Fraser Lands Official Development Plan, generally as presented in Appendix B, to correct typographical errors in sections 6.1.3 (b) and 6.1.6;

FURTHER THAT the application be referred to a Public Hearing;

AND 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, subject to the enactment of the amending by-law described in Recommendation A, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward, at the time of enactment of such amending by-law, consequential amendments to the “RT-4, RT-4A, RT-4N, RT-4AN, RT-5, RT-5N and RT-6 Guidelines”, generally in accordance with Appendix C, for Council adoption.

### **REPORT SUMMARY**

This report recommends miscellaneous housekeeping amendments to the Zoning and Development By-law and East Fraser Lands Official Development Plan, and if approved, consequential amendments to the RT-4, RT-4A, RT-4N, RT-4AN, RT-5, RT-5N and RT-6 Guidelines. The proposed amendments would achieve the intent of the by-laws and correct inadvertent errors, update references, and improve administration.

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

On September 22, 2021, Council enacted amendments to the Zoning and Development By-law as described in the *Internal Development Application and Permitting Modernization Task Force*

*– Zoning and Development By-law Amendments to Enable Issuance of a Building Permit for Excavation and Shoring Before a Development Permit report.*

On January 20, 2021, Council enacted amendments to the Zoning and Development By-law as described in the *Updated Zoning Regulations for Zero Emissions Residential Buildings* report.

On July 24, 2020, Council enacted amendments to the Zoning and Development By-law regarding porches, decks and balconies as described in the *Regulation Redesign – Amendments to Zoning & Development and Parking By-laws* report.

On June 23, 2020, Council enacted amendments to the RS-1, RS-3 and RS-3A, RS-5, RS-6 and RS-7 District Schedules as described in the *Amendments to Repair and Clarify Basement and Cellar Regulations for New Houses in RS Zones* report.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

### **REPORT**

#### ***Background/Context***

Miscellaneous amendments to the Zoning and Development By-law or other by-laws are required to address inadvertent errors or omissions, improve clarity, and update terminology. Miscellaneous amendment reports are for minor non-substantive changes. These reports provide continuous improvement to City By-laws and are typically reported to Council twice a year.

#### ***Strategic Analysis***

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

##### **RT-5 and RT-5N Districts Schedule and RT-6 District Schedule: Sections 4.1.2 and 4.1.3**

The RT-5 and RT-5N Districts Schedule and the RT-6 District Schedule contain overlapping regulations for minimum site area and dwelling unit density for multiple dwellings as a conditional use. These regulations result in conflicting requirements and limits on multiple dwelling development that were not intended. The minimum site area for all developments with three or more units is 511 m<sup>2</sup>, while the dwelling unit density of 74 units per hectare requires a site area proportional to the number of units provided on site which would be 338 m<sup>2</sup> for multiple dwellings with 3 units. The amendment would correct the minimum site area allowance to 338 m<sup>2</sup> for multiple dwellings to align with the permitted unit density. This would streamline the application process by removing the conflict and reducing the number of requests to relax the minimum site area in order to achieve the dwelling unit density permitted under the zoning.

Should Council approve the amendments, the RT-5 and RT-5N Districts Schedule and the RT-6 District Schedule, the RT-4, RT-4A, RT-4N, RT-4AN, RT-5, RT-5N and RT-6 Guidelines would be amended accordingly and brought forward for Council’s approval at the time of enactment of the amending Zoning and Development By-law.

**Miscellaneous Amendments to the Zoning and Development By-law and the East Fraser Lands Official Development Plan:**

This report proposes various miscellaneous amendments that are needed for clarity, consistency and to correct inadvertent errors or omissions, as described in Appendix A and Appendix B. The table below summarizes the proposed amendments:

<b>Section</b>	<b>Proposed Amendment</b>
4.7	Replace the roman numeral bullets used in amending by-law #13123 with alphabet characters to match the Section 4 template.
10.18	Re-insert a clause permitting additional building height with the provision for more roof insulation in section 10.18 that was enacted on January 20, 2021 (amending by-law #12865) and was inadvertently deleted following amendments to section 10.18 in July 2021 (amending by-law #13067).
10.29.1	Replace “may reduce” with “may be reduced” for clarity.
4.17 in the RS-7 District Schedule	Insert clause for sunken entrances in the RS-7 District Schedule that was inadvertently missed in amending by-law #12719 which clarified regulations for basements and exceptions for window wells.
4.7.7 in the RM-11 and RM-11N Districts Schedule	Amend section 4.7.7 to include reference to sections 4.7.10(a) and 4.7.10(c) which offer more density through the purchase of amenity or affordable housing shares and were inadvertently omitted as exceptions.
4.1.1 and 4.1.3 in the RM-3A District Schedule and 4.1.1 in the RM-4 and RM-4N Districts Schedule	Amend section 4.1.1 which refers to minimum site area requirements to include seniors supportive or assisted housing as an additional use which was inadvertently omitted, and to provide all uses in a list format for clarity.
	Amend section 4.1.3 to include “senior’s supportive or assisted housing, with a minimum lot area of 500 m <sup>2</sup> ” to the list of uses that the Director of Planning may reduce minimum site area requirements for locked in lots which was inadvertently omitted.

<b>Section</b>	<b>Proposed Amendment</b>
4.7.3 (g)(v) in the RS-1, RS-1A, RS-1B, RS-2, RS-5 and RS-6 District Schedules; 4.7.4 (g)(v) in the RS-7 District Schedule; 4.7.6 (f)(iii) in the RT-5 and RT-5N Districts Schedule; 4.7.5 (f)(iv) in the RT-11 and RT-11N Districts Schedule; 4.7.5 (h)(iv) in the RM-7, RM-7N and RM-7AN Districts Schedule; and 4.7.9 (h)(iv) in the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule	Replace the term “entries, porches and verandahs” with “covered porches” to correct an error which mistakenly changed these terms from “covered porches” when updates were made to entries, porches and verandah regulations in July 2020 (amending by-law #12731).
4.6.2 in the RM-1 and RM-1N Districts Schedule	Correct a typographical error by replacing “year” yard with “rear” yard
6.1.3(b) and 6.1.6 in the East Fraser Lands ODP	Correct typographical errors in: <ul style="list-style-type: none"> <li>• Section 6.1.3(b) by replacing “commmunity” with “community”; and</li> <li>• Section 6.1.6 by replacing “be be” with “be”</li> </ul>

***Financial Implications***

The amendments put forward above are intended to achieve the intent of the by-laws and correct inadvertent errors, update references, and improve administration. The amendments do not affect proposed floor space of any sites, as such, they do not have an effect on any development contributions associated with any sites affected by the amendments.

***CONCLUSION***

This report proposes minor miscellaneous amendments to the Zoning and Development By-law and the East Fraser Lands Official Development Plan to 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  
regarding miscellaneous and housekeeping amendments**

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

1. This By-law amends the indicated provisions of the Zoning and Development By-law No. 3575.
2. In section 4.7, Council strikes out sections 4.7.2 and 4.7.3 and substitutes:
  - “4.7.2 Despite section 4.7.1, the Director of Planning may recommend the issuance of a building permit to the City Building Inspector, provided that the:
    - (a) Director of Planning has issued a “prior-to permit issuance” letter for the development;
    - (b) Director of Planning, in consultation with the City Engineer and Director of Legal Services, is satisfied that the applicant has made substantial progress in satisfying the conditions imposed under (a);
    - (c) City Building Inspector, in consultation with the City Engineer, is satisfied that a building permit may be issued, and the building permit:
      - (i) application is submitted by a Certified Professional, and
      - (ii) is limited only to excavation and shoring associated with the proposed development permit for the same site; and
    - (d) development must include one of the following uses:
      - (i) Cultural and Recreational Uses, limited to Artist Studio, Community Centre or Neighbourhood House, Library, Museum or Archives, and Park or Playground,
      - (ii) Dwelling Uses, developed as Social Housing or Secured Market Rental Housing,
      - (iii) Institutional Uses, or
      - (iv) any other use which the Director of Planning reasonably considers to be similar to the foregoing.
  - 4.7.3 If the Director of Planning recommends that a building permit be issued pursuant to section 4.7.2, the City Building Inspector may issue a building permit, and in addition to any authority granted to the City Building Inspector under the Building By-law, may impose conditions on the building permit that require the owner to:
    - (a) provide the City with a certified Letter of Credit for an amount equal to the estimated cost of backfilling the excavation and shoring works to the satisfaction of the City Engineer; and
    - (b) register a covenant on the title of the site, pursuant to section 219 of the Land Title Act, that is satisfactory to the Director of Legal Services.”.

3. In section 10, Council adds a new section 10.18.3 as follows:

“10.18.3 For residential buildings of three storeys or less, an additional 0.15 m in height is permitted if the roof contains at least 0.35 m of insulation.”.
4. In Section 10.29.1, Council strikes out “Development in an RS, RT or C-1 district on a site which is less than 36.6 m deep may reduce the required depths as follows:” and substitutes “For development in an RS, RT or C-1 district on a site which is less than 36.6 m deep, the required depths may be reduced as follows:”.
5. In the RS-7 District Schedule, Council:
  - (a) renumbers subsections 4.17.5 through 4.17.47 as subsections 4.17.6 through 4.17.48, respectively;
  - (b) adds a new section 4.17.5 as follows:

“4.17.5 The surface of the ground adjoining a building can be lowered only for the purpose of providing:

    - (a) a window well for a basement or a cellar, provided that the lowered surface does not extend more than 1.0 m from the surface of a wall;
    - (b) a sunken entrance for a basement, provided that:
      - (i) the portion of the building abutting the lowered surface faces either the front street or the rear property line,
      - (ii) the lowered surface does not extend more than 3.1 m into the required front or rear yard, measured from the street-facing wall and including stair runs or vertical change in grade between the basement and the existing grade, and
      - (iii) the sum of the widths of all lowered surfaces abutting the building is not greater than half the width of the building or 4.6 m, whichever is the lesser; or
    - (c) a sunken entrance for a cellar in buildings existing prior to June 23, 2020, provided that:
      - (i) it complies with sections 4.17.5(b)(i) through (iii), and
      - (ii) the depth of the lowered surface does not exceed 1.83 m below the average finished grade.”;
  - (c) strikes out section 4.17.1 and substitutes:

“4.17.1 Sections 4.17.2 through 4.17.4, 4.17.6, and 4.17.8 through 4.17.40 apply to all uses except for two-family dwellings and two-family dwellings with secondary suite, sections 4.17.41 through 4.17.45 apply to two-family dwellings and two-family dwellings with secondary suite, and sections 4.17.5, 4.17.7 and 4.17.46 apply to all uses.”;
  - (d) in section 4.17.8(a), strikes out “section 4.17.10(c)” and substitutes “section 4.17.11(c)”;

- (e) in section 4.17.9, strikes out “section 4.17.7” and substitutes “section 4.17.8”;
  - (f) in section 4.17.11(c), strikes out “section 4.17.10(a) and (b)” and substitutes “sections 4.17.11(a) and (b)”;
  - (g) in section 4.17.36(b), strikes out “section 4.17.35(a)” and substitutes “section 4.17.36(a)”;
  - (h) in section 4.17.36(e), strikes out “section 4.17.35(c) and (d)” and substitutes “sections 4.17.36(c) and (d)”;
  - (i) in section 4.17.38, strikes out “section 4.17.36” and substitutes “section 4.17.37”;
  - (j) in section 4.17.39, strikes out “sections 4.17.36(a) to (d)” and substitutes “sections 4.17.37(a) to (d)”;
  - (k) in section 4.17.44(e), strikes out “section 4.17.43(d)” and substitutes “section 4.17.44(d)”;
  - (l) in section 4.17.47, strikes out “may vary the requirements of sections 4.17.7 (roof form), 4.17.9 (roof decks), 4.17.10 (dormers), 4.17.11 (gables), 4.17.12 (bay windows), 4.17.13 (basements), 4.17.31 (chimneys), 4.17.32 and 4.17.33 (entries, porches or verandahs), 4.17.34 (windows), 4.17.35 (exterior wall cladding), 4.17.36 (roofing materials), and 4.17.39 (window trim)” and substitutes “may vary the requirements of sections 4.17.8 (roof form), 4.17.10 (roof decks), 4.17.11 (dormers), 4.17.12 (gables), 4.17.13 (bay windows), 4.17.14 (basements), 4.17.32 (chimneys), 4.17.33 and 4.17.34 (entries, porches or verandahs), 4.17.35 (windows), 4.17.36 (exterior wall cladding), 4.17.37 (roofing materials), and 4.17.40 (window trim)”;
  - (m) in section 4.7.4(g)(vii), strikes out “section 4.17.32” and substitutes “section 4.17.33”.
6. In section 4.7.7 of the RM-11 and RM-11N Districts Schedule, Council adds “, section 4.7.10 (a) and section 4.7.10 (c)” after “Notwithstanding section 4.7.3”.
7. In the RM-3A District Schedule, Council:
- (a) strikes out section 4.1.1 and substitutes:
    - “4.1.1 The minimum site area shall be 550 m<sup>2</sup> for:
      - (a) a building containing dwelling units in conjunction with child day care facility, provided that all residential floor area is developed as social housing;
      - (b) multiple dwelling;
      - (c) rooming house; and
      - (d) seniors supportive or assisted housing.”; and
  - (b) in section 4.1.3:



- (i) in subsection (c), strikes out “and”
- (ii) in subsection (d), strikes out “.” and substitutes “; and”; and
- (iii) adds a new subsection 4.1.3 (e) as follows:

“(e) seniors supportive or assisted housing, with a minimum lot area of 500 m<sup>2</sup>.”

8. In the RM-4 and RM-4N Districts Schedule, Council strikes out section 4.1.1 and substitutes:

“4.1.1 The minimum site area shall be 550 m<sup>2</sup> for:

- (a) a building containing dwelling units in conjunction with child day care facility, provided that all residential floor area is developed as social housing;
- (b) multiple dwelling;
- (c) rooming house; and
- (d) seniors supportive or assisted housing.”.

9. In section 4.7.3 (g)(v) of the RS-1, RS-1A, RS-1B, RS-2, RS-5 and RS-6 District Schedules, Council strikes out “entries, porches and verandahs” and substitutes “covered porches”.

10. In section 4.7.4 (g)(v) of the RS-7 District Schedule, Council strikes out “entries, porches and verandahs” and substitutes “covered porches”.

11. In section 4.7.5 (f)(iv) of the RT-11 and RT-11N Districts Schedule, Council strikes out “entries, porches and verandahs” and substitutes “covered porches”.

12. In section 4.7.5 (h)(iv) of the RM-7, RM-7N and RM-7AN Districts Schedule, Council strikes out “entries, porches and verandahs” and substitutes “covered porches”.

13. In section 4.7.6 (f)(iii) of the RT-5 and RT-5N Districts Schedule, Council strikes out “entries, porches and verandahs” and substitutes “covered porches”.

14. In section 4.7.9 (h)(iv) of the RM-8, RM-8A, RM-8N and RM-8AN Districts Schedule, Council strikes out “entries, porches and verandahs” and substitutes “covered porches”.

15. In section 4.6.2 of the RM-1 and RM-1N Districts Schedule, Council strikes out “year yard” and substitutes “rear yard”.

16. In the RT-5 and RT-5N Districts Schedule and the RT-6 District Schedule, Council:

- (a) in section 4.1.2, strikes out “shall be 511 m<sup>2</sup>” and substitutes “shall be 338 m<sup>2</sup>”;
- (b) strikes out section 4.1.3;
- (c) renumbers section 4.1.4 as 4.1.3.

17. 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.

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

ENACTED by Council this          day of                                  , 2021

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

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 East Fraser Lands  
Official Development Plan By-law No. 9393  
regarding housekeeping amendments**

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

1. This By-law amends the indicated provisions of Schedule A of the East Fraser Lands Official Development Plan By-law No. 9393.
2. In section 6.1.3(b), Council strikes out “commmunity” and substitutes “community”.
3. In section 6.1.6, Council strikes out “be be” and substitutes “be”.
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.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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.

\*Proposed amendments are shown in red and insertions in italics.

## **Draft Amendments to RT-4, RT-4A, RT-4N, RT-4AN, RT-5, RT-5N and RT-6 Guidelines**

### 4.4 Multiple Dwellings

Multiple dwelling proposals which comply with the RT-5, RT-5N and RT-6 District Schedules and having a minimum lot size of ~~511 m<sup>2</sup>~~ *338 m<sup>2</sup>* may be considered. ~~Corner lots present a unique design opportunity and sites which are less than 511 m<sup>2</sup> but have adequate lot size to yield 3 units on a 74 units per hectare basis (minimum of 405 m<sup>2</sup>) can be considered for a triplex.~~