



REFERRAL REPORT

Report Date: February 13, 2023
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VanRIMS No.: 08-2000-20
Meeting Date: March 7, 2023

TO: Vancouver City Council
FROM: General Manager of Planning, Urban Design and Sustainability
SUBJECT: Minor Regulatory and Policy Amendments – Zoning and Development By-law, Downtown Eastside Plan, RM-8 and RM-8N Guidelines, and RM-8A and RM-8AN Guidelines

Recommendation to Refer

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward the amendments as described below and that the application be referred to Public Hearing together with the recommendations set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary by-laws, in accordance with the recommendations set out below, for consideration at the Public Hearing.

Recommendation for Public Hearing

- A. THAT Council approve, in principle, the application to amend the Zoning and Development By-law, generally as presented in Appendix A to:
 - a. update the definition for impermeable materials in Section 2;
 - b. add a new definition for mezzanine in Section 2 and add regulations to Section 10 clarifying the situations in which a mezzanine is not considered an extra storey;
 - c. remove wording requiring paper copies of plans and drawings in section 4.1.3;
 - d. update regulations in Section 10 to:
 - i. exclude roof-top access structures, roof-top amenity structures, zero-emission mechanical equipment and required guards from the 10% of roof area restriction for over-height items in section 10.1;
 - ii. add a floor area exclusion for roof-top access structures;

- e. change Cannabis Store from an outright use to a conditional use in the FC-1 District, to align the intended approval process for the use and with how the use is regulated in other districts;
- f. remove the vertical angle of daylight requirements from the M-1 and M-2 District Schedules;
- g. for social housing developments in the RM-4 and RM-4N Districts Schedule, add a variance for the site frontage requirements;
- h. consolidate the regulations on the maximum number of storeys permitted for townhouse developments in the RM-7, RM-7N, and RM-7AN Districts Schedule;
- i. amend the RM-8, RM-8N, RM-8A and RM-8AN Districts Schedule to:
 - i. revise the rear building height, front yard, rear yard, and building width regulations for townhouse developments to remove the need for Director of Planning discretion;
 - ii. clarify side yard and building depth requirements for townhouse developments on corner sites;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Zoning and Development By-law generally in accordance with Appendix A.

- B. THAT, subject to the enactment of the amendments to the Zoning and Development By-law described in Recommendation A(g), the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for approval by Council amendments to the RM-3A, RM-4, and RM-4N Guidelines for Social Housing, generally as presented in Appendix B.
- C. THAT, subject to the enactment of the amendments to the Zoning and Development By-law described in Recommendation A(i), the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for approval by Council repeal of the existing RM-8 and RM-8N Guidelines and the RM-8A and RM-8AN Guidelines that these be replaced with new combined RM-8, RM-8N, RM-8A and RM-8AN Guidelines, generally as presented in Appendix C.
- D. THAT at the time of enactment of the amendments to the Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for approval amendments to the Downtown Eastside Plan to reflect previous updates made to the Downtown-Eastside/Oppenheimer Official Development Plan By-law and FC-1 District Schedule to increase the floor space ratio and height for social housing developments, generally as presented in Appendix D.
- E. THAT recommendations A to D be adopted on the following conditions:

- a. THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
- b. THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; and
- c. THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

Purpose and Executive Summary

This report recommends minor policy amendments to clarify, simplify and update regulations in the Zoning and Development By-law and related land use documents. These few remaining updates from the Regulation Redesign project continue the work to simplify the City's land use regulations and related land use documents and are foundational to simplifying the permit review processes. They include updates to definitions and amendments to provide more flexibility for social housing development sites and for roof-top amenity spaces, remove outdated regulations and consolidate regulations.

Council Authority/Previous Decisions

May 2022: Council approved amendments to the Downtown-Eastside/Oppenheimer Official Development Plan, Downtown Eastside/Oppenheimer Design Guidelines and FC-1 District Schedule to increase the floor space ratio and maximum height for social housing developments.

July 2021: Council approved amendments to the Zoning and Development By-law to update and clarify height regulations and provide more flexibility for roof access and roof-top amenity features.

April 2021: Council approved amendments to the RM-3A, RM-4 and RM-4N zoning districts to allow development of up to six storeys where 100% of the residential floor area is developed as social housing or social housing in conjunction with child day care facility.

September 2018: Council approved amendments to the Zoning and Development By-law to establish new zoning districts RM-8A and RM-8AN to enable the development of townhouses as identified in the Grandview-Woodland Community Plan and the Cambie Corridor Plan.

June 2018: Council approved amendments to the Zoning and Development By-law to add Cannabis Store as a retail use to various district schedules.

City Manager's Comments

The City Manager concurs with the foregoing recommendations.

Context and Background

The Regulation Redesign project is foundational to advancing improvements to the regulatory environment and improving permit processing. A key deliverable of the project was the updated and reformatted Zoning and Development By-law, which came into effect in November 2022. This report completes a few of the outstanding regulatory changes to simplify and clarify the City’s land use regulations.

Discussion

1. Proposed Amendments to the Zoning and Development By-law

This report proposes amendments to the Zoning and Development By-law, and are described in more detail in Appendix A. Table 1 below summarizes the proposed amendments.

Table 1. Proposed Amendments to the Zoning and Development By-law

Section	Proposed Amendment
Section 2	Update the definition of impermeable materials to include permeable pavers, which are not considered permeable over time and which are counted in the calculation of impermeable area in the districts that regulate the amount of impermeable materials permitted on a site.
Section 2 and Section 10, new section	For clarity, add a definition for mezzanine to the zoning by-law, that aligns with the definition in the Vancouver Building By-law and add regulations to Section 10 that clarify when a mezzanine is not considered an additional storey (i.e. if it covers no more than 40% of the floor space below).
Section 4.1.3	Remove wording from regulations on development permit applications that require plans or drawings to be submitted on paper or mylar as plans may now be submitted digitally.
Section 10.1.1	To provide more flexibility, amend the regulations for items that may exceed the maximum building height by removing the restriction that limits those items to 10% of the total roof area for: roof-top access structures to private or common outdoor amenity space; common roof-top amenity structures; and required guards. Add zero-emission mechanical equipment to the list of items that the Director of Planning may allow to exceed the maximum building height.
Section 10, new section	To provide more flexibility for access to roof-top amenity structures, add a new floor area exclusion for open or enclosed stairs and elevators that lead to roof-top amenity spaces. For townhouse developments, roof-top amenity space is often the only private outdoor space and the floor area exclusion will support its provision.

Section	Proposed Amendment
FC-1, section 2.1	When Cannabis Store was added as a new retail use to various C and HA districts it was added as a conditional use that is subject to regulations in section 11.8.6 of the Zoning and Development By-law. It was erroneously added as an outright use to the FC-1 District Schedule. As the regulations in section 11.8.6 were also intended to apply to Cannabis Store in the FC-1 district, it is proposed that the use be amended to a conditional use, similar to other districts.
RM-4 and RM-4N Districts Schedule, section 3.1.2.11	To provide more flexibility to enable social housing developments, add a clause to enable the Director of Planning or Development Permit Board to vary the maximum site frontage requirements. A corresponding amendment to the RM-3A, RM-4, and RM-4N Guidelines for Social Housing is proposed to clarify the application of the variance, as described in Appendix B.
M-1 and M-2 District Schedules, sections 3.1.2.5, 3.1.2.6 and 3.1.2.7	The vertical angle of daylight regulations are complicated and outdated regulations that, in the M-1 and M-2 districts, apply to office buildings over 12.2 m in building height. They are intended to address light access to residential and office buildings. The M-1 and M-2 districts are heavy industrial districts that allow uses generally incompatible with residential uses and that typically do not have office tower development because of the nature of the industrial uses. Therefore, to streamline the regulations in the district schedule it is proposed that these regulations be removed as they are not applicable to development in the district and are not being applied.
RM-7, RM-7N and RM-7AN Districts Schedule sections 3.1.2.13 and 3.2.2.13	The districts schedule includes a variance to the maximum building height regulations for townhouse development that allows the Director of Planning to increase the height to 11.5 m and 3 storeys, if the 3 rd storey is a partial storey or to 11.5 m and 4 storeys, if the 4 th storey is a partial storey in order to prevent any living space from being built more than 1.83 m below finished grade (on sloping sites). As the variance to 11.5 m and 4 storeys is consistently applied, to streamline permit review it is proposed that the regulations be amended to consolidate the height variance to 11.5 m and 4 storeys if the 4 th storey is a partial storey.
RM-8, RM-8N, RM-8A and RM-8AN Districts Schedule, Section 3.1.2	To simplify permit review and clarify regulations, amendments are proposed to update the permitted building height, front yard depth, rear yard depth and building width regulations for townhouse developments. The amendments are based on variances that the Director of Planning routinely

Section	Proposed Amendment
	grants in order to enable courtyard townhouses at 1.2 FSR, which is the intended form of development. Rather than require additional review to administer Director of Planning discretion it is proposed that the standard regulations be amended to provide greater certainty and clarity for the industry, staff and neighbours. A significant number of applications and experience in administrating the variances has informed this recommendation. Planning staff will continue to review the overall project to ensure the intent of the regulations and guidelines is met

2. Proposed Amendments to Land Use Documents

The following amendments are proposed to update two land use documents:

Table 2. Proposed Amendments to Land Use Documents

Document	Proposed Amendment
RM-8 and RM-8N Guidelines and RM-8A and RM-8AN Guidelines	Amendments are proposed to these guidelines to align with the proposed amendments to the district schedules described in Table 1 above. Further simplification is proposed through the consolidation of the RM-8 and RM-8N Guidelines and the RM-8A and RM-8AN Guidelines into one document, as described in Appendix C. If the proposed regulatory amendments are approved, the regulations will be the same for these districts, except for size dwelling unit size regulations in the RM-8A and RM-8AN districts. One document with consistent requirements will be clearer for staff and applicants.
Downtown Eastside Plan	<p>The Downtown-Eastside/Oppenheimer Official Development Plan By-law and FC-1 District Schedule were amended in May 2022 to increase the floor space ratio and height for 100% social housing developments. These updates were intended to be incorporated into the Downtown Eastside Plan, but corresponding amendments to the plan were mistakenly not presented to Council at that time. The proposed amendments would align the Plan with the regulations previously approved by Council. The amendments being brought forward for consideration in this report and, as detailed in Appendix D, include updates to reflect:</p> <ul style="list-style-type: none"> • the increased permitted density for social housing of up to 5.5 FSR in sub-areas 2, 3 and 4 and up to 6.0 FSR in

	<p>Thornton Park, an increase in density for heritage conservation, and additional density through rezoning for social housing; and</p> <ul style="list-style-type: none">• the increased building height for social housing of up to 30.5 m in DEOD sub-areas 2, 3 and 4, with additional height through rezoning for social housing
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Financial Implications

There are no financial implications associated with this report’s recommendations.

Legal Implications

There are no legal implications associated with this report’s recommendations

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APPENDIX A

DRAFT A By-law to amend Zoning and Development By-law No. 3575 Regarding Minor Amendments

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

1. This by-law amends the indicated provisions of the Zoning and Development By-law.
2. In section 2, Council:
 - (a) in the definition of Impermeable Materials, adds “permeable pavers,” after “stone,”; and
 - (b) adds a new definition in the correct alphabetical order as follows:
“Mezzanine An intermediate level between the floor and ceiling of any room or storey, a portion of which may be enclosed, and includes an interior balcony.”.
3. In section 4.1.3, Council strikes out “drawn in metric or imperial measurements on substantial paper, mylar or other material satisfactory to the Director of Planning” and substitutes “in metric or imperial measurements in a form satisfactory to the Director of Planning”.
4. In section 10.1, Council:
 - (a) in section 10.1.1, strikes out “section 10.1.1(d)” and substitutes “sections 10.1.1(d), 10.1.1(f), 10.1.1(g) and 10.1.1(h)”;
 - (b) in section 10.1.1(d), adds “zero-emission mechanical equipment,” after “roof mounted energy technologies,”.
5. In section 10, Council adds the following new sections 10.35 and 10.36:
“10.35 Mezzanine
 - 10.35.1 A mezzanine is not counted as a storey if the mezzanine covers no more than 40% of the horizontal plane separating the mezzanine from the floor space below.
 - 10.35.2 Despite section 10.35.1, if a mezzanine larger than 40% is required to meet the floor area regulations for uses on the ground floor in an I district, the Director of Planning may determine that the mezzanine is not to be counted as a storey.

10.36 Floor Area Exclusions for Roof-Top Access Structures

10.36.1 Computation of floor area must exclude the area of roof-top access structures, including open or enclosed stairways or elevators, at the roof level only, if they provide access to private or common outdoor amenity space.”.

6. In the table in section 2.1 of the FC-1 District Schedule, in the second column next to Cannabis Store, Council strikes out “Outright” and substitutes “Conditional”.

7. In section 3.1.2.11 of the RM-4 and RM-4N Districts Schedule, Council:

(a) renumbers sections 3.1.2.11(a), 3.1.2.11(b), 3.1.2.11(c) and 3.1.2.11(d) as sections 3.1.2.11(b), 3.1.2.11(c), 3.1.2.11(d) and 3.1.2.11(e), respectively; and

(b) adds a new section 3.1.2.11(a) as follows:
“(a) the maximum site frontage;”.

8. In the RM-7, RM-7N and RM-7AN Districts Schedule, Council:

(a) strikes out section 3.1.2.13 and substitutes the following:

“3.1.2.13 The Director of Planning may vary the maximum building height for a building that is not a rear building to a height not exceeding 11.5 m and 4 storeys if the fourth storey is a partial storey not exceeding 60% of the storey immediately below, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.”; and

(b) strikes out section 3.2.2.13 and substitutes the following:

“3.2.2.13 The Director of Planning may vary the maximum building height for a building that is not a rear building to a height not exceeding:

(a) 11.5 m and 4 storeys if the fourth storey is a partial storey not exceeding 60% of the storey immediately below; or

(b) 11.5 m and 3 storeys for a site that is encumbered by a right of way granted to the Greater Vancouver Sewerage and Drainage District,

if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.”.

9. In the RM-8, RM-8N, RM-8A and RM-8AN Districts Schedule, Council:

(a) in section 3.1.2, amends the table heading by striking out:

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Regulations	RM-8 and RM-8N	RM-8A and RM-8AN
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”

and substitutes:

“

Regulations	RM-8, RM-8N, RM-8A and RM-8AN
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- (b) in section 3.1.2.3(b), strikes out “7.7 m and 2 storeys” and substitutes “10.1 m and 3 storeys”;
- (c) in section 3.1.2.4, strikes out “4.9 m” and substitutes “3.7 m”;
- (d) in section 3.1.2.6, strikes out:

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1.0 m	1.8 m
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and substitutes:

“

1.8 m

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- (e) in section 3.1.2.10:
 - (i) strikes out “for sites having a width of at least 24.0 m”, and
 - (ii) strikes out “22.0 m” and substitutes “27.0 m”;
- (f) strikes out section 3.1.2.13 and substitutes the following:
“3.1.2.13 Despite the maximum building height in section 3.1.2.3(b) above, the third storey must be a partial storey not exceeding 60% of the storey immediately below.”;
- (g) renumbers sections 3.1.2.14, 3.1.2.15, 3.1.2.16, and 3.1.2.17 as sections 3.1.2.16, 3.1.2.17, 3.1.2.18 and 3.1.2.19, respectively;
- (h) adds a new section 3.1.2.14 as follows:
“Side Yard
3.1.2.14 Despite the minimum side yard width in section 3.1.2.5 above, where a side yard is located on a flanking street and where the front doors of a building face the flanking street, the minimum side yard width is 2.4 m.”;
- (i) adds a new section 3.1.2.15 as follows:

“Building Depth

3.1.2.15 Despite the maximum building depth in section 3.1.2.9 above, on a corner site, where the front doors of a building face the flanking street,

a maximum building depth is not required.”; and

- (j) in section 3.1.2.19, strikes out subsections (b) through (e) and substitutes the following:
 - “(b) the maximum area of impermeable materials; and
 - (c) the maximum building width.”.

10. In the M-1 District Schedule, Council:

- (a) in the title above section 3.1.2.4, strikes out “and Vertical Angle of Daylight”;
- (b) strikes out sections 3.1.2.5, 3.1.2.6, and 3.1.2.7; and
- (c) renumbers sections 3.1.2.8, 3.1.2.9, 3.1.2.10, and 3.1.2.11 as sections 3.1.2.5, 3.1.2.6, 3.1.2.7 and 3.1.2.8, respectively.

11. In the M-2 District Schedule, Council:

- (a) in the title above section 3.1.2.4, strikes out “and Vertical Angle of Daylight”;
- (b) strikes out sections 3.1.2.5, 3.1.2.6, and 3.1.2.7; and
- (c) renumbers sections 3.1.2.8, 3.1.2.9, 3.1.2.10, and 3.1.2.11 as sections 3.1.2.5, 3.1.2.6, 3.1.2.7 and 3.1.2.8, respectively.

APPENDIX B

Proposed Minor Amendments to RM-3A, RM-4, and RM-4N Guidelines for Social Housing

Amendments will be prepared generally in accordance with the provisions listed below.

Document	Proposed Amendments
<p>RM-3A, RM-4, and RM-4N Guidelines for Social Housing, Section 3 Guidelines Pertaining to the Regulations of the Zoning and Development By-law</p>	<p>Re-number existing sections 3.1, 3.2, 3.3, 3.4 and 3.5 to 3.2, 3.3, 3.4, 3.5 and 3.6 respectively.</p> <p>Insert new section 3.1:</p> <p>3.1 Site Frontage</p> <p>The maximum site frontage requirement is intended to prevent wide facades on larger development sites, which may compromise pedestrian interest and create a bland and anonymous streetscape, particularly if façade design is overly flat and monotonous.</p> <p>For social housing development, the Director of Planning or the Development Permit Board may consider increasing the maximum site frontage requirement where necessary to:</p> <ul style="list-style-type: none"> (a) maximize delivery of social housing space and achieve the permitted floor space ratio for social housing; (b) improve liveability outcomes of residential units; or (c) provide a child day care facility on site. <p>Despite any increase in the maximum site frontage requirement for social housing development, an articulated building frontage that achieves a high level of architectural interest should be provided to adequately enhance pedestrian interest and the public realm without jeopardizing sustainability goals by:</p> <ul style="list-style-type: none"> (a) avoiding overly monotonous and repetitive façade design; (b) employing strategic use of architectural elements that are not co-planar to elicit a play of light and shadow, human-scaled texture, different cladding materials, and through the use of different colours; and (c) breaking the larger massing into smaller components to express strong unit identity and to relate to the characteristic subdivision of the area.