PLANNING AND DEVELOPMENT COMMITTEE

HIS WORSHIP, THE MAYOR
AND COUNCILLORS

SUBJECT: PROPOSED ZONING BYLAW AMENDMENT – RENTAL USE ZONING

RECOMMENDATION:

1. THAT Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw to implement changes required by the Finalized Rental Use Zoning Policy, approved at the 2020 March 09 Council meeting, and other updates with respect to the rental use zoning, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.

REPORT

The Planning and Development Committee, at its meeting held on 2020 July 23, received and adopted the ***attached*** report proposing a text amendment to the Burnaby Zoning Bylaw regarding rental use zoning.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to: City Manager
Director Corporate Services
Director Engineering
Director Finance
Director Planning and Building
Director Public Safety and Community Services
Chief Building Inspector
City Solicitor

City of Burnaby

Item.....
Meeting.....2020 July 20

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 2020 July 15

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 42000 20
Reference: *Bylaw Text Amdmt*

SUBJECT: **PROPOSED ZONING BYLAW AMENDMENT – RENTAL USE ZONING**

PURPOSE: To propose a text amendment to the Burnaby Zoning Bylaw regarding rental use zoning.

RECOMMENDATION:

1. **THAT** Council be requested to authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw to implement changes required by the Finalized Rental Use Zoning Policy, approved at the 2020 March 09 Council meeting, and other updates with respect to the rental use zoning, as outlined in Section 3.0 of this report, for advancement to a future Public Hearing.

REPORT

1.0 BACKGROUND INFORMATION

On 2020 March 09, Council adopted the Finalized Rental Use Zoning Policy and authorized staff to prepare a bylaw amending the Burnaby Zoning Bylaw to align with the Policy. The revised Policy with a focus on improving the delivery of market and non-market rental housing in Burnaby, includes the following major changes:

- replacing "CMHC market average rents" with "CMHC market median rents" in defining affordability measures for non-market housing;

- amending inclusionary requirements to provide more affordable rental housing; including the provision of 20% of the total number of market (strata and rental) units, derived from the RM and RMs density, at 20% below CMHC market median rents;

- amending the requirements of rental units in which their density is derived from the additional RMr density above the inclusionary component, including removal of vacancy control, and in its place a 1:1 ratio provision of market rental units and units rented at CMHC market median rents; and,

- clarifying rental replacement requirements, including rents charged to new and returning tenants for replacement units.

This report also brings forward a bylaw amending the Burnaby Zoning Bylaw for a number of updates related to rental use zoning and other provisions in the Zoning Bylaw, including but not limited to:

- extending permitted uses in the RMr Districts;
- updating rental housing related definitions;
- clarifying rental density requirements in the RM, C, and P11 Districts; and,
- facilitating the construction of voluntary rental housing in the C8 and C9 Districts.

2.0 CITY POLICY FRAMEWORK

The proposed amendments to the Zoning Bylaw related to rental use zoning support the following City-wide policies to help meet the housing needs of all residents in Burnaby:

- Burnaby's *Official Community Plan* (1997) contains goals within its residential and social policy frameworks to:
    - help ensure that the needs of people with special and affordable housing requirements are met;
    - provide for increased housing opportunities in the City with particular encouragement for ground-oriented housing forms;
    - broaden housing options within the City and its neighbourhoods to allow more residents to stay in familiar neighbourhoods as they age and their housing needs change; and,
    - seek new methods, regulations and partnerships to encourage the development and protection of affordable and special needs housing.

- The *Burnaby Economic Development Strategy* (2007) sets a goal of building a strong, liveable, and healthy community, which includes developing a diverse and affordable housing stock which is appropriate to residents' needs and exploring possible ways to use the rezoning of land for market residential development as a means of helping achieve more non-market housing.

- The *Burnaby Social Sustainability Strategy* (2011) contains several actions in the area of affordable and suitable housing, including looking for opportunities to facilitate the development of housing that is supportive of, suitable, and affordable to specific target groups, such as low and moderate income households, and those experiencing mental illness, addictions, family violence, homelessness and other challenges.

Further to the above, the proposed amendments also align with the following goals and sub-goals of the *Corporate Strategic Plan*:

- ***A Connected Community***
    - Partnership – Work collaboratively with businesses, educational institutions, associations, other communities and governments.
    - Social Connection – Enhance social connections throughout Burnaby.

- ***An Inclusive Community***
  - Serve a Diverse Community – Ensure City services fully meet the needs of our dynamic community.
  - Create a Sense of Community – Provide opportunities that encourage and welcome all community members and create a sense of belonging.

- ***A Dynamic Community***
  - Community Development – Manage change by balancing economic development with environmental protection and maintaining a sense of belonging.
  - Economic Opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.

3.0 PROPOSED ZONING BYLAW TEXT AMENDMENT

3.1 Background

On 2018 December 03, Council adopted a Zoning Bylaw amendment to establish rental-only zoning sub-districts in the RM Multiple Family Residential, P11 SFU Neighbourhood, and a number of C Commercial Districts. This amendment was brought forward after the Provincial Government enacted the *Residential Rental Tenure Zoning Amendment Act* which gives local governments a new authority to establish rental housing as a specific land use in the Zoning Bylaw.

On 2019 May 27, the Rental Use Zoning Policy and Initial Implementation Framework was adopted by Council to implement the rental use provisions of the Zoning Bylaw. The purpose of this Policy is to ensure the replacement of existing rental units lost to redevelopment, to increase rental housing at a variety of rent levels and affordability, to provide further opportunities for rental housing in commercial areas, and to protect existing rental housing into the future.

On 2020 March 09, the Finalized Rental Use Zoning Policy was adopted by Council which requires that the equivalent of 20% of the proposed market units under the RM and RMs Districts be provided as affordable rental housing, and the additional RMr density for rental uses beyond the inclusionary component should not be subject to vacancy control. This report proposed a number of other amendments to the Policy to improve the delivery of market and non-market rental housing in Burnaby. With the adoption of Finalized Rental Use Zoning Policy Council authorized the preparation of a bylaw to align the Burnaby Zoning Bylaw with the revised Rental Use Zoning Policy.

In addition, the ongoing review of the Zoning Bylaw regarding the rental use zoning warrants necessary updates to provide clarification and improvements to the wording of the Zoning Bylaw, and respond to demands related to land uses and forms of development where rental use is permitted.

3.2 Discussion

This Zoning Bylaw amendment report contains a housekeeping review of the Zoning Bylaw related to rental use zoning with focus on definitions, land uses and density. The purpose of this review is to:

- ensure the requirements of the Zoning Bylaw related to purpose-built rental housing are in-line with the Finalized Rental Use Zoning Policy;

- extend permitted uses within the RMr Districts, in order to allow other forms of housing, such as supportive housing facilities, as well as necessary service facilities for residential uses, such as child care facilities;

- ensure the definitions of the Zoning Bylaw related to rental housing are consistent with the definitions and terminologies used in other City housing policies and programs;

- simplify the reading of the Zoning Bylaw related to rental density in the RM, C and P11 Districts;

- facilitate the construction of voluntary rental housing in the C8 and C9 Districts by removing the rezoning requirement; and,

- provide an additional density offset for the voluntary provision of non-market rental housing in the C8 and C9 Districts, subject to Council's approval through a CD Comprehensive Development District rezoning.

3.2.1 Definitions

Purpose-built rental housing

According to Section 3.0 of the Zoning Bylaw, the land use associated with rental housing in rental zones is "rental dwelling unit", which is defined as follows:

*"**Rental dwelling unit**" means a dwelling unit that is rented on a month-to-month basis or fixed term not exceeding twelve (12) months according to the provisions of the Residential Tenancy Act. For clarity, rental dwelling units shall not include rental accommodation in multi-family flex units, secondary suites, hotel accommodation, or sleeping units.*

The addition of "rental dwelling unit" to the Zoning Bylaw was to establish rental housing as a specific land use in the Zoning Bylaw. The purpose of this amendment was to ensure the replacement of existing purpose-built rental housing lost to redevelopment, and to increase the stock of rental units through the construction of new purpose-built rental housing. The purpose-built rental housing that is constructed to supply rental units, constitutes "non-market rental housing" and a portion of "market rental housing" in Burnaby housing continuum. To ensure that the definitions related to rental housing are consistent with the City's housing policies and programs, including the Mayor's Task Force on Community Housing Final Report and Burnaby Housing Profile, and to recognize purpose-built rental housing from individually owned rental units, it is recommended that the term "rental dwelling unit" be replaced with the term "purpose-built rental housing" throughout the Zoning Bylaw, and be defined as follows:

*"**Purpose-built rental housing**" means a multi-unit building or portion of a multi-unit building where dwelling units are held in common ownership and used only for rental purposes. Purpose-built rental housing may include market and non-market rental housing.*

Based on the original purpose of rental use zoning, the following criteria were considered in the definition of "purpose-built rental housing":

- a multi-unit building: according to section 481.1 of the *Local Government Act,* rental housing may be permitted where multiple family residential is a permitted use. Local governments were given the authority to regulate the minimum number of rental housing units based on the desired form of development, community housing needs, and consistency with the City's rental housing policies. As such, it is recommended that purpose-built rental housing be defined in reference to multi-unit buildings;

- dwelling units must remain rental in common ownership; and,

- rental housing may be provided as market and non-market housing.

In market rental housing, rental rates are determined according to market rates and are based on factors such as supply, demand, age of the building, unit size, location, and condition of the unit. The annual rent increase for existing tenancies are subject to the *Residential Tenancy Act (RTA).* A Section 219 Covenant and/or a Housing Agreement is required to prohibit conversion of the dwelling units for non-rental purposes, in line with the City's Rental Conversion Control Policy, and secure the units as primary rental housing in Burnaby's housing continuum. The non-market rental housing is offered at below-market rates (based on CMHC Market Median Rents) under the terms of a Housing Agreement, Section 219 Covenant, ground lease, or other means.

For further clarity, it is recommended that a definition of "rental unit" be added to the Zoning Bylaw as follows:

*"**Rental unit**" means a dwelling unit within purpose-built rental housing.*

CMHC market median rent and adjusted pre-development rent

According to the Rental Use Zoning Policy, in the RM3, RM4, RM5 and RM7 Districts located in a Community plan area, the equivalent of a minimum of 20% of the proposed market dwelling units in a new multiple family development, or 1:1 replacement unit ratio in an existing purpose-built rental housing undergoing redevelopment, whichever is greater, shall be non-market rental housing. The affordability measure in new multiple family developments was previously defined as 20% below "CMHC market average rent." However, in the Finalized Rental Use Zoning Policy, this measure was replaced with "CMHC market median rent" to ensure a more accurate reflection of the current market rents in determining non-market rental rates. As such, to be consistent with the Rental Use Zoning Policy, it is recommended that the term "CMHC Market Average Rent" in Section 3.0 of the Zoning Bylaw be replaced with "CMHC Market Median Rent," and be defined as follows:

*"**CMHC market median rent**" means the median residential rent applicable to areas within the City of Burnaby, based on rental market data collected by the Canadian Mortgage and Housing Corporation (CMHC) for specific rental unit types, age of buildings, size of buildings, and geographic areas.*

The Rental Use Zoning Policy also defines the affordability measure for new replacement units within purpose-built rental housing undergoing redevelopment. According to the Policy, rent of a replacement unit where a tenant returns to a replacement unit shall be calculated based on the last rent paid for a pre-development unit prior to vacancy for the purpose of rezoning, plus any annual rent increase permitted under the RTA and its regulations for the duration of time between vacancy of the pre-

development unit and occupancy of the new replacement unit. The new replacement unit shall have the same number of bedrooms as the pre-development unit. To be consistent with the Rental Use Zoning Policy, it is recommended that affordability measure for replacement units where a previous tenant returns to such a unit, be added to Section 3.0 of the Zoning Bylaw under the new "adjusted pre-development rent" definition as follows:

*"**Adjusted pre-development rent**" means rent charged to a returning tenant, in accordance with the City of Burnaby's Tenant Assistance Policy, as amended or replaced from time to time, for a new replacement unit in purpose-built rental housing, which is calculated based on the last rent of the pre-development unit when being vacated for the purpose of development, plus any annual rent increase permitted under the Residential Tenancy Act and its regulations for the duration of time between vacancy of the pre-development unit and occupancy of the new replacement unit.*

The above definitions are relevant in the proposed changes to density offset provisions, as discussed in section 3.2.3 of this report.

Consequential Amendments

Should Council adopt the recommendations to repeal the definition of "rental dwelling unit" and adopt the proposed "purpose-built rental housing" and "rental unit" definitions instead, it is further recommended that the words "rental dwelling unit" be replaced with the words "purpose-built rental housing" or "rental unit" as applicable throughout the Zoning Bylaw, including but not limited to Sections 6.10(2.1), 301.1(14), 302.1(19), 303.1(20), 800.3.1(2)(e), 800.4(2.1), and 800.4(2.2).

Recommended Bylaw Amendments

1. **THAT** the definition of "dwelling unit, rental" in Section 3.0 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

   *"**PURPOSE-BUILT RENTAL HOUSING**" means a multi-unit building or portion of a multi-unit building where dwelling units are held in common ownership and used only for rental purposes. Purpose-built rental housing may include market and non-market rental housing.*

2. **THAT** Section 3.0 of the Zoning Bylaw be amended by adding new definitions for "rental unit" and "adjusted pre-development rent" with wording the same or similar to the following:

   *"**RENTAL UNIT**" means a dwelling unit within purpose-built rental housing.*

   *"**ADJUSTED PRE-DEVELOPMENT RENT**" means rent charged to a returning tenant, in accordance with the City of Burnaby's Tenant Assistance Policy, as amended or replaced from time to time, for a replacement rental unit in purpose-built rental housing, which is calculated based on the last rent of the pre-development unit when being vacated for the purpose of development, plus any annual rent increase established under the Residential Tenancy Act and its regulations for the duration of time between vacancy of the pre-development unit and occupancy of the replacement rental unit.*

3. **THAT** the definition of "CMHC market average rent" in Section 3.0 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

"CMHC MARKET MEDIAN RENT" *means the median residential rent applicable to areas within the City of Burnaby, based on rental market data collected by the Canadian Mortgage and Housing Corporation (CMHC) for specific rental unit types, age of buildings, size of buildings, and geographic areas.*

4. **THAT** Section 6.10(2.1) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

   (2.1) Notwithstanding subsection (2) of this section, the minimum floor area of a dwelling unit in the P11e District, or a rental unit in the RM, C, and P11 Districts, and all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts, shall be as follows:

(a)	*Studio unit*	*30 m^2 (322.93 sq.ft.)*
(b)	*1 bedroom suite*	*50 m^2 (538.21 sq.ft.)*
(c)	*1 bedroom + den suite*	*56 m^2 (602.80 sq.ft.)*
(d)	*2 bedroom suite*	*65 m^2 (699.68 sq.ft.)*
(e)	*2 bedroom + den suite*	*70 m^2 (753.50 sq.ft.)*
(f)	*3 bedroom suite*	*80 m^2 (861.14 sq.ft.)*

5. **THAT** the purpose statement of Sections 301, 302, 303 of the Zoning Bylaw be amended by replacing the words "rental dwelling units" with the words "rental units."

6. **THAT** Sections 301.1(14), 302.1(19), 303.1(20) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

   Purpose-built rental housing located above the first storey, subject to the following conditions:

   (a) the use shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District;

   (b) a completely separate public entrance to the residential accommodation shall be provided from the first storey front elevation, except:

   - *on a corner lot access may be from the first storey side street elevation; or*
   - *where a public pedestrian walkway exists, access may be from the first storey walkway elevation; and,*

   (c) the total gross floor area of the purpose-built rental housing, including areas exclusively providing access thereto, shall be less than the total gross floor area of all other permitted uses within the building.

7. **THAT** Section 800.3.1(2)(e) of the Zoning Bylaw be amended by replacing the words "and rental dwelling units" with the words "and purpose-built rental housing,".

8. **THAT** Sections 800.4(2.1) and 800.4(2.2) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(2.1)	Purpose-built rental housing in the RM and P Districts, all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts.	0.6 for each rental unit inclusive of 0.1 visitor parking, or as determined through a parking study approved by the Director Planning and Building.
(2.2)	Purpose-built rental housing in the C1, C2, C3, C8, and C9 Districts, all of their sub-districts, and the Comprehensive Development District, or portion thereof, based on the above noted Districts.	0.6 for each rental unit inclusive of 0.1 visitor parking, or as determined through a parking study approved by the Director Planning and Building.

3.2.2 Permitted Uses

Permitted Uses in the RMr Districts

The permitted uses in the RMr Districts (rental-only sub-districts) are currently limited to multiple family dwellings containing only rental units, home occupation, and accessory buildings and uses. In the RM6r and RM7r Districts, multiple family dwellings are restricted to townhouse dwellings, provided that dwelling units shall be rental only.

The City of Burnaby's goal is to offer a range of residential housing choices, types, and tenure, with associated amenities and services that enable people to live in their community as their housing needs change over time, and to address the issue of housing supply and affordability for all groups of the community. This includes facilitating the provision of rental housing for seniors and people with special needs. The purpose of rental use zoning is to create more opportunities for the provision of rental housing by providing additional density above and beyond the designated base density in the RM Districts. As such, it is recommended that category A and B supportive housing facilities which are permitted uses in the RM1 through RM5, and RM7 Districts, be also permitted in these zones rental-only sub-districts (RM1r through RM5r, and RM7r Districts). Supportive housing is a housing facility with support (provision of meals, continuous monitoring of the residents, and on-site emergency medical response) for seniors and people with disabilities.

It is further recommended that child care facilities which are permitted in the RM1 through RM5 Districts be also permitted in the RM1r through RM5r Districts. This would allow the provision of child care facilities in purpose-built rental housing under the above mentioned RMr Districts, without a need for a rezoning. Considering that the RMr Districts are primarily intended for the provision of rental housing, it is recommended that child care facilities be only permitted in conjunction with rental housing. This requirement will prevent the establishment of a child care facility utilizing the RMr density without providing rental housing. The provision of temporary shelters as a permitted use in the RMr Districts is also recommended.

Recommended Bylaw Amendments

9. **THAT** Section 201.2 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

201.2 Uses Permitted in the RM1r Zoning District:

(1) Uses permitted in the RM1 District, excluding permitted uses in the R6 District, dormitory units or groups of dormitory units, and boarding, lodging and rooming houses, provided that the residential uses are restricted to purpose-built rental housing.

(2) Category A supportive housing facilities, subject to the following conditions:

(a) the use shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District; and,

(b) each living unit shall have a minimum floor area of 27 m^2 (290.6 sq. ft.).

(3) Child care facilities, in conjunction with purpose-built rental housing.

(4) Home occupations.

(5) Accessory buildings and uses.

10. **THAT** Section 202.2 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

202.2 Uses Permitted in the RM2r Zoning District:

(1) Uses permitted in the RM2 District, excluding permitted uses in the R6 District, dormitory units or groups of dormitory units, and boarding, lodging and rooming houses, provided that the residential uses are restricted to purpose-built rental housing.

(2) Category A supportive housing facilities, subject to the following conditions:

(a) the use shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District; and,

(b) each living unit shall have a minimum floor area of 27 m^2 (290.6 sq. ft.).

(3) Child care facilities, in conjunction with purpose-built rental housing.

(4) Home occupations.

(5) Accessory buildings and uses.

11. THAT Section 203.3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

203.3 Uses Permitted in the RM3r Zoning District:

(1) Uses permitted in the RM3 District, excluding permitted uses in the R6 District, dormitory units or groups of dormitory units, rest homes and private hospitals, and boarding, lodging and rooming houses, provided that the residential uses are restricted to purpose-built rental housing.

(2) Category A supportive housing facilities, subject to the following conditions:

(b) the use shall be included as part of a comprehensive development plan subject to the CD (Comprehensive Development) District; and,

(b) each living unit shall have a minimum floor area of 27 m^2 (290.6 sq. ft.).

(3) Child care facilities, in conjunction with purpose-built rental housing.

(4) Home occupations.

(5) Accessory buildings and uses.

12. THAT Section 204.3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

204.3 Uses Permitted in the RM4r Zoning District:

(1) Uses permitted in the RM4 District, excluding rest homes and private hospitals, provided that the residential uses are restricted to purpose-built rental housing.

(2) Child care facilities, in conjunction with purpose-built rental housing.

13. THAT Section 205.3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

205.3 Uses Permitted in the RM5r Zoning District:

(1) Uses permitted in the RM5 District, excluding rest homes and private hospitals, and dormitory units or groups of dormitory units, provided that the residential uses are restricted to purpose-built rental housing.

(2) Child care facilities, in conjunction with purpose-built rental housing.

14. **THAT** Section 206.3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

    206.3 Uses Permitted in the RM6r Zoning District:

    Uses permitted in the RM6 District, excluding single-family dwellings or two-family dwellings, provided that the residential uses are restricted to purpose-built rental housing.

15. **THAT** Section 207.3 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

    207.3 Uses Permitted in the RM7r Zoning District:

    Uses permitted in the RM7 District, provided that the residential uses are restricted to purpose-built rental housing.

Permitted Uses in the P11r and P11e/r Districts

In the P11r SFU Neighbourhood District, permitted uses include all uses that are permitted in the P11 District, provided that the residential uses are limited to rental housing. Similar provision applies to the P11e/r District where the P11e District uses are permitted, except that the dwelling units shall be rental only. The P11 District provides for development of institutional uses, such as hospitals, and governmental and educational institutions which are permitted in the P6 Regional Institutional District, in addition to residential uses, parks, schools and commercial support facilities.

The purpose of rental use zoning is to exclusively permit the construction of rental housing, accessory uses, and support services such as child care facilities. As such, it is recommended that the permitted uses in the P11r and P11e/r Districts be limited to the uses permitted in the P11 District which meet the purpose of the rental use zoning. These uses include purpose-built rental housing, accessory buildings and uses such as a dwelling for a caretaker, child care facilities, home occupations, and temporary shelters.

In addition, an amendment to Section 5.1 Schedule V of the Zoning Bylaw is required to add the "P11r" District to the list of short designations for the Zoning Districts.

Recommended Bylaw Amendments

16. **THAT** Section 5.1 Schedule V of the Zoning Bylaw be amended by adding a reference to the P11r District.

17. **THAT** Sections 511.1A and 511.2A of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

    511.2A Uses Permitted in the P11r and P11e/r Zoning Districts:

    (1) Multiple-family dwellings or groups of multiple-family dwellings, provided that they are restricted to purpose-built rental housing.

(2) *Residential accommodations, when located on the same site as the institution they serve, provided that they are restricted to purpose-built rental housing. Residential accommodation may include student accommodation which shall comply with the following minimum floor areas:*

(a)	*Studio Unit*	*33 m^2 (355.22 sq. ft.)*
(b)	*1 Bedroom Unit*	*46 m^2 (495.16 sq. ft.)*
(c)	*2 Bedroom Unit*	*70 m^2 (753.50 sq. ft.).*

(3) *A dwelling unit for a caretaker or watchman, provided that such dwelling unit is located on the same lot as the institution which it serves.*

(4) *Child care facilities, in conjunction with purpose-built rental housing.*

(5) *Home occupations.*

(6) *Accessory buildings and uses.*

(7) *Temporary shelters.*

Density Offset in the RM3, RM4 and RM5 Districts

The Finalized Rental Use Zoning Policy requires the provision of non-market rental housing in all new multiple family developments under the RM3, RM4, RM5, and RM7 Districts in Community Plan areas. The purpose of this Policy is to ensure an increasing stock of non-market rental housing throughout the City. The provision of rental housing is supported by the addition of RMr rental density, while affordability is supported through the provision of an additional density offset.

According to the Policy, in new multiple family developments in the RM3, RM4, RM5 and RM7 Districts, a minimum 20% of the total proposed market units, utilizing the RM and RMs designated density, including market strata and market rental, shall be provided as rental, with a rental rate of 20% below CMHC market median rents.

According to the Zoning Bylaw, in the RM3, RM4, and RM5 Districts, to support the economic viability of providing non-market rental housing, an additional density offset is provided subject to:

- a rezoning to a CD Comprehensive Development District; and
- the provision of a minimum 20% of the dwelling units as rental housing, with a maximum rental rate of 20% below CMHC market average rent for the size of the dwelling unit.

The current density offset provisions of the Zoning Bylaw define the requirements to receive the additional density offset in new multiple family developments, including the percentage of the required rental units to be provided and their rental rates. However the provision of the additional density offset has not been currently defined in existing purpose-built rental housing undergoing redevelopment. To clarify the density offset provisions of the Zoning Bylaw in line with the Rental Use Zoning Policy, it is recommended that these sections of the Zoning Bylaw be amended. According to the recommended

Zoning Bylaw amendments, in the RM3 through the RM5 Districts and all the associated sub-districts, an additional density offset will be provided subject to the following requirements:

- a rezoning to a CD Comprehensive Development District;

- the provision of rental units is the greater of:

    - that number of rental units equivalent to 20% of the total number of proposed market units (strata and rental), utilizing the designated RM and RMs density; and

    - for any new multiple family development that involves the demolition of existing purpose-built rental housing, that number of rental units contained within such existing purpose-built rental housing which have been or will be demolished, so as to provide replacement rental units at a 1:1 ratio; and,

- the rental rates for such rental units shall not exceed 20% below CMHC market median rents, and for any rental units rented to a returning tenant, at rental rates equal to the rent charged for a similar type of unit in the purpose-built rental housing prior to redevelopment, plus any annual rent increase(s) permitted under the Residential Tenancy Act for the duration of time between vacancy of the pre-development unit and occupancy of the replacement rental unit.

It should be noted that the recommended Bylaw also includes the following changes:

- replacement of the term "CMHC market average rent" with "CMHC market median rent" in line with the Finalized Rental Use Zoning Policy; and,

- replacement of "unit size" with "unit type" (based on number of bedrooms) in defining the rental rate for a unit, considering that the CMHC rental market data is collected based on unit type.

Recommended Bylaw Amendments

18. **THAT** Section 203.6(5) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

    (4) Notwithstanding subsections (1), (2), and (3) of this section, in the RM3, RM3s, and RM3r Districts, the floor area ratio may be increased by 0.55, but in no case shall the floor area ratio exceed 2.05, provided that:

        (a) the lot is rezoned to Comprehensive Development District;

        (b) a minimum number of rental units provided is equal to the greater of:

            i. that number equal to 20% of the total number of market rental and strata dwelling units calculated using the RM3 and RM3s District floor area ratios; and

ii. that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and

(c) the rent for each rental unit referred to in paragraph (b) shall not exceed:

i. 20% below CMHC Market Median Rent rates for the applicable rental unit type; and

ii. the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

19. THAT Section 204.6(5) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(4) Notwithstanding subsections (1), (2), and (3) of this section, in the RM4, RM4s, and RM4r Districts, the floor area ratio may be increased by 0.85, but in no case shall the floor area ratio exceed 4.45, provided that:

(a) the lot is rezoned to Comprehensive Development District;

(b) a minimum number of rental units provided is equal to the greater of:

i. that number equal to 20% of the total number of market rental and strata dwelling units calculated using the RM4 and RM4s District floor area ratios; and

ii. that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and

(c) the rent for each rental unit referred to in paragraph (b) shall not exceed:

i. 20% below CMHC Market Median Rent rates for the applicable rental unit type; and

ii. the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

20. THAT Section 205.6(5) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(4) Notwithstanding subsections (1), (2), and (3) of this section, in the RM5, RM5s, and RM5r Districts, the floor area ratio may be increased by 1.10, but in no case shall the floor area ratio exceed 6.10, provided that:

(a) the lot is rezoned to Comprehensive Development District;

(b) a minimum number of rental units provided is equal to the greater of:

i. that number equal to 20% of the total number of market rental and strata dwelling units calculated using the RM5 and RM5s District floor area ratios; and,

ii. that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and,

(c) the rent for each rental unit referred to in paragraph (b) shall not exceed:

i. 20% below CMHC Market Median Rent rates for the applicable rental unit type; and,

ii. the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

Density Offset in the RM7 District

According to the Finalized Rental Use Zoning Policy, all new multiple family developments in the RM7 District located within the Heights Community Plan area are required to provide a minimum of 20% of the total market units (strata and rental) at a rental rate of 20% below CMHC market median rents, similar to the RM3, RM4 and RM5 Districts. The building form in the RM7 District is comprised of 3 1/2 storey ground-oriented townhouses located in the Hastings Street area.

Currently, the provision of rental housing in the RM7 District is supported by the addition of a maximum of 1.1 FAR rental density in the RM7r District through a rezoning process. However, the addition of density offset is required to help fund affordability of the required rental housing over the long-term. Accordingly, it is recommended that the Zoning Bylaw be amended by adding density offset provisions to the RM7 District, similar to those recommended in the RM3, RM4, and RM5 Districts. The recommended density offset in the RM7 District is 0.55 FAR, which is equal to half the permitted base density in the RM7 District.

Recommended Bylaw Amendments

21. THAT Section 207.6(2) be added to the Zoning Bylaw with wording the same or similar to the following:

(1) Notwithstanding subsection (1) of this section, in the RM7 and RM7r Districts, the floor area ratio may be increased by 0.55, but in no case shall the floor area ratio exceed 1.65, provided that:

(a) the lot is rezoned to Comprehensive Development District;

(b) a minimum number of rental units provided is equal to the greater of:

i. that number equal to 20% of the total number of market rental and strata dwelling units calculated using the RM7 District floor area ratio; and,

ii. that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and,

(c) the rent for each rental unit referred to in paragraph (b) shall not exceed:

i. 20% below CMHC Market Median Rent rates for the applicable rental unit type; and,

ii. the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

Density for the Provision of Category B Supportive Housing Facilities in the RM5 District

According to Section 205.6(1)(b) of the Zoning Bylaw, an additional 0.2 FAR is provided for the establishment of category B supportive housing facilities in the RM5 District. The additional density is granted to incentivize the provision of senior housing facilities with support (which provides daily meal and on-site emergency medical response) in key high-density Town Centre locations. However, the additional 0.2 FAR for category B supportive housing is not included in the 5.0 FAR maximum permitted density in the RM5s District. It should be noted that the additional density for the provision of supportive housing facilities is not permitted in any other RM Districts.

Given the recommendation of this report that supportive housing facilities which provide rental housing for seniors may be permitted in the RMr Districts, a maximum of 2.2 FAR designated rental density in the RM5r District may be utilized for the construction of supportive housing facilities. This added density may be provided in addition to the maximum permitted density in the RM5 or RM5s Districts through a rezoning process. Considering that sufficient density is available for the construction of supportive housing facilities in the RM5 District and all the associated sub-districts, and to be consistent with the density provisions of other RM Districts, it is recommended that Sections 205.6(1)(b) and 205.6(2)(a) of the Zoning Bylaw be amended by removing the reference to the additional 0.2 FAR for the provision of category B supportive housing facilities.

These amendments are addressed in recommendation #37 of this report.

Purpose-Built Rental Housing in the C8 and C9 Districts

Rental housing in commercial districts, including C8 and C9 Districts, can be provided through the voluntary use of un-utilized commercial density on sites with commercial or mixed-use designations, subject to the requirements of the Zoning Bylaw. The C8 and C9 Districts, which are generally located within the Urban Villages, provide for a wide range of commercial and retail establishments with medium density multiple family dwellings located above commercial uses on the ground level.

According to the Zoning Bylaw, the provision of voluntary rental housing in the C8 and C9 Districts is subject to a rezoning to the C8r and C9r Districts, while the construction of multiple family dwellings is an outright permitted use in these districts. Both rental housing and market strata have similar built form and are subject to similar design provisions as required by the Zoning Bylaw. Considering that rental developments in the C8 and C9 Districts do not benefit from any additional density above and beyond the designated base density similar to the RM, or P11 Districts, there is no incentive to pursue a rezoning to allow rental housing. As such, to facilitate the construction of voluntary rental housing in the C8 and C9 Districts, it is recommended that the C8r, C8a/r, and C9r Districts, as the rental-only tenure sub-districts in the C8 and C9 Districts, be repealed in their entirety. If Council adopts this recommendation, rental housing, as well as market strata, will be permitted as an outright permitted use above the first storey commercial premises, subject to a number of conditions that are currently required in the Zoning Bylaw.

Recommended Bylaw Amendments

22. THAT the Table of Contents, and Section 5.1 Schedule III of the Zoning Bylaw be amended by removing the references to the C8r, C8a/r, and C9r Districts.

23. THAT the words "C8r" and "C8a/r" be removed from Sections 308.1(1) and 308.1(2) of the Zoning Bylaw.

24. THAT Sections 308.2(11) and 309.2(10) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

Dwelling units, including rental units, on the second storey or above, subject to the following conditions:

(a) the first storey frontage of the building to a minimum depth of 10.0 m (32.80 ft.) shall be used for commercial purposes;

(b) each dwelling unit shall have a balcony;

(c) a completely separate public entrance to the residential accommodation shall be provided from the first storey front elevation, except that:

i. on a corner lot access may be from the first storey side street elevation; or

ii. where a public pedestrian walkway exists, access may be from the first storey walkway elevation; and,

(d) *a storey containing dwelling units shall have no other uses on that storey except parking.*

25. **THAT** Sections 308.2B and 308.2C of the Zoning Bylaw be repealed in their entirety.

26. **THAT** Section 309.2B of the Zoning Bylaw be repealed in its entirety.

27. **THAT** Section 700.1(2) be repealed and replaced with wording the same or similar to the following:

(2) *Uses permitted in the C1, C2, C3, C4, C5, C6, C7, C8, and C9 Districts including the Districts with an "a", "b", "c", "d",* "e", "f", "g", "h", or "i" suffix.

Density Offset and Related Amendments in the C8 and C9 Districts

According to the Rental Use Zoning Policy, the provision of rental housing equivalent to a minimum 20% of the total market units with a rental rate of 20% below CMHC market median rent is not required for new developments in the C8 and C9 Districts. However, supply of rental housing, especially non-market rental housing in mixed-use developments with access to shopping, services, transit, and other amenities, would greatly benefit the City's stock of rental housing.

To encourage the provision of non-market rental housing in the C8 and C9 Districts, it is recommended that an additional density offset be provided to those developments that voluntarily provide rental housing equivalent to a minimum 20% of the total market units (strata and rental) with rental rates at 20% below CMHC Market Median Rent for the specific unit type utilizing the C8 and C9 Districts density.

The proposed density offset in the C8 and C9 Districts, similar to RM Districts, is equal to half the maximum permitted density for multiple family dwellings under the designated zoning district. The maximum designated density in the C8 District is 3.00 FAR, provided that the required parking is provided in an underground parking structure. Multiple family dwellings, including rental housing, may be located on the second storey or above. Considering that building height is limited to four storeys in the C8 District, the maximum permitted density for the construction of multiple family dwellings typically would not exceed 2.25 FAR, which results in a density offset of 1.125 FAR. Similarly, in the C9 District, the maximum designated density is 2.20 FAR, with a typical maximum density of 1.65 FAR for multiple family developments, and a density offset of 0.825 FAR.

Currently, the Zoning Bylaw requires a maximum building height of four storeys with a 45 degree inclined plane extending from the required front yard for structures above the second storey, in the C8 Districts. These requirements are to permit sunlight penetration along Hastings Street, and to minimize noise for upper floor uses. The 45 degree inclined plane may be relaxed through CD Comprehensive Development District, subject to the 2008 Council adopted policy.

The Zoning Bylaw also requires the provision of a 6.0 m (19.69 ft.) rear yard to ensure adequate distance between principal buildings, for the purpose of privacy and sunlight. It should be noted that the required rear yard is relatively larger than the 4.57 m (15.00 ft.) rear yard required for the RM Districts which also permits the construction of multiple family developments.

Review of built form and development density in the C8 District indicates that most lots will not be able to fully utilize the additional density offset due to siting and building height requirements of the Zoning Bylaw. To increase the viability of providing non-market rental housing by fully utilizing the proposed density offset in the C8 District, it is recommended that the Zoning Bylaw be amended as follows:

- removal of Section 308.4(2), which requires a 45 degree inclined plane, extending from the required front yard for structures above the second storey:

  The width of Hastings Street as a primary arterial road, in addition to the required 2.0 m (6.57 ft.) front yard for buildings along Hastings Street provides adequate distance between buildings. As such, removal of the 45 degree inclined plane will not impact sunlight penetration along Hastings Street. Furthermore, removal of this requirement makes it possible to utilize the additional density offset within the established height, setback and density requirements of the C8 District, without a need for rezoning to a CD District.

- amendment to Section 308.8, which requires a 6.0 m (19.69 ft.) rear yard:
  The purpose of providing rear yards is to maintain spatial separation between two buildings backing onto each other. The C8-zoned properties fronting Hastings Street are generally separated by a 6.1 m (20.00 ft.) lane from their abutting RM-zoned properties to the rear. Considering that the required rear yards in multiple family developments in the RM Districts are 4.57 m (15.00 ft.), and that the existing lanes increase the separation between buildings, it is recommended that the required rear yard in the C8 District be reduced from 6.0 m (19.69 ft.) to 4.57 m (15.00 ft.). The reduced rear yard will help developments containing non-market housing achieve the maximum density offset by expanding the building footprint while still providing a 15.24 m (50.00 ft.) spatial separation between the principal buildings located across the lane from each other.

Recommended Bylaw Amendments

28. **THAT** Section 308.4(2) of the Zoning Bylaw be repealed in its entirety.

29. **THAT** Section 308.6(3) be added to the Zoning Bylaw with wording the same or similar to the following:

(3) Notwithstanding subsection (1), the floor area ratio may be increased by 1.125, provided that:

(a) the lot is rezoned to Comprehensive Development District;

(b) a minimum number of rental units provided is equal to the greater of:

i. that number equal to 20% of the total number of market rental and strata dwelling units calculated using the C8 District floor area ratio; and,

ii. that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and,

(c) the rent for each rental unit referred to in paragraph (b) shall not exceed:

i. 20% below CMHC Market Median Rent rates for the applicable rental unit type; and

ii. the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

30. THAT Section 308.8 of the Zoning Bylaw be amended by replacing the words "6.0 m (19.69 ft.)" with the words "4.57 m (15.00 ft.)".

31. THAT Section 309.6(3) be added to the Zoning Bylaw with wording the same or similar to the following:

(3) Notwithstanding subsection (1), the floor area ratio may be increased by 0.825, provided that:

(a) the lot is rezoned to Comprehensive Development District;

(b) a minimum number of rental units provided is equal to the greater of:

i. that number equal to 20% of the total number of market rental and strata dwelling units calculated using the C9 District floor area ratio; and

ii. that number equal to the number of rental units in any purpose-built rental housing located immediately prior to the rezoning referred to in paragraph (a), which has been or will be demolished; and

(c) the rent for each rental unit referred to in paragraph (b) shall not exceed:

i. 20% below CMHC Market Median Rent rates for the applicable rental unit type; and

ii. the adjusted pre-development rent for the applicable rental unit type, if rented to a returning tenant in accordance with the City of Burnaby Tenant Assistance Policy, as amended or replaced from time to time.

3.2.3 Floor Area Ratio

Increased Floor Area Ratio for the Construction of Structured Parking on Sites with Topographic or Geotechnical Considerations

The Zoning Bylaw provides additional density for the construction of underground parking in a number of RMr Districts (RM1r through RM5r, and RM7r), as well as the P11r and P11e/r Districts. This additional density is in line with the added base density in a number of RM and C Districts, as well as the P11 District, for the construction of underground parking.

"Underground parking" is defined as an area within a building with a roof or the finished floor next above it not more than 0.8 m (2.62 ft.) above the adjacent finished grade. This additional density is not provided for the construction of "structured parking" where the roof or the finished floor next above it, is more than 0.8 m (2.62 ft.) above the adjacent finished grade. The additional density is an incentive for the construction of underground parking, in order to maximize the use of land with minimal impact on the building bulk due to the height of underground parking in relation to adjacent finished grade.

On most development sites with topographic or geotechnical considerations, such as sloped sites or those with high groundwater levels, meeting the maximum height protrusion of underground parking is not feasible. These circumstances result in the construction of structured parking to meet the parking requirements of the Zoning Bylaw. As such, it is desirable to treat structured parking similar to underground parking where the construction of underground parking is not feasible due to geotechnical or topographic considerations. Accordingly, it is recommended that in the RM1r through RM5r, RM7r, P11r, and P11e/r Districts, on sites with topographic or geotechnical considerations, an additional density, similar to what is provided for the construction of underground parking, be provided for the development of structured parking, subject to the Director Planning and Building's approval.

The additional density for the construction of underground parking is also applicable to uses other than rental in the RM1 through RM5, RM7, C2, C3, C8, C9, P11 and P11e Districts. To improve consistency in application of the Bylaw, it is recommended that the additional density for the construction of structured parking on sites with geotechnical or topographic considerations be also applied to the above noted districts.

In addition, the Zoning Bylaw provides an increased density in the C3 District where parking spaces are provided in, beneath, or on the roof of the principal building, as well as underground parking. This requirement, which has been in place since 1969, does not meet today's urban design principals where construction of roof top parking or other parking structures above finished grade is not encouraged. Therefore, it is recommended that the floor area ratio requirement of the C3 District be amended in line with other districts where an increased floor area is provided for the construction of underground parking, or structured parking in cases where the provision of underground parking is not feasible.

Furthermore, to simplify the reading of the Zoning Bylaw, it is recommended that "Underground Parking" in Section 3.0 of the Zoning Bylaw be replaced with "Parking, Underground" so that the term appears in proximity of other parking related definitions.

The Zoning Bylaw contains similar density provisions in the RM1 through RM5, RM7, P11, and P11e Districts, and their associated rental-only sub-districts. To simplify the reading of the Zoning Bylaw, and to minimize redundancy, it is recommended that in each zoning district, those sections of the Zoning Bylaw which regulate base density and rental density be combined.

Appearing elsewhere on Committee's open agenda is another Zoning Bylaw text amendment report regarding density bonus. In that report it is further recommended that the words "cash-in-lieu contributions" be added to all sections of the Zoning Bylaw which allow additional density for the provision of amenities or affordable or special needs housing in the RM1 through RM5, and RM3s through RM5s Districts. While this amendment is not specifically referenced in this report, the recommended wording of the Bylaw Amendments are provided herein, as the proposed changes to Floor Area Ratio related to underground and structured parking affects the wording of the subsequent paragraph, and thus must be reflected in the amendments noted in this report

Further information on the current practice of cash contributions-in-lieu of on site amenity provisions, and its establishment within the Bylaw, is provided in a parallel report on Committees agenda for consideration. The proposed amendment would allow an additional floor area ratio for the contribution of cash-in-lieu of the provision of amenities or affordable or special needs housing, for any multiple family residential development that is subject to CD rezoning and is located in the RM1 through RM5, or RM3s through RM5s Districts within town centre areas.

Recommended Bylaw Amendments

32. THAT the definition of "UNDERGROUND PARKING" in Section 3.0 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

""PARKING, UNDERGROUND" means an area that:

(a) contains parking spaces and associated driveways and maneuvering aisles;

(b) is located within a building; and,

(c) has its roof or the finished floor next above it not more than 800 mm (2.62 ft.) above the adjacent finished grade."

33. THAT Section 201.5 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

201.5 Floor Area Ratio:

(1) The maximum floor area ratio in the RM1 and RM1r Districts shall be 0.45. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.15 multiplied by the ratio of parking spaces provided in underground parking or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio in the RM1 and RM1r Districts exceed 0.60. For clarity, the maximum floor area ratio permitted in the RM1r District shall be

in addition to the FAR permitted for any other zoning district on the lot, including the RM1 District.

(2) Notwithstanding subsection (1) of this section, in the RM1 District, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased by 0.10.

34. THAT Sections 202.5 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

202.5 Floor Area Ratio:

(1) The maximum floor area ratio in the RM2 and RM2r Districts shall be 0.70. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.20 multiplied by the ratio of parking spaces provided in underground parking or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio in the RM2 and RM2r Districts exceed 0.90. For clarity, the maximum floor area ratio permitted in the RM2r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the RM2 District.

(2) Notwithstanding subsection (1) of this section, in the RM2 District, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased by 0.10.

35. THAT Sections 203.6(1), 203.6(2), 203.6(3), and 203.6(4) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

203.6 Floor Area Ratio:

(1) The maximum floor area ratio in the RM3, RM3s, and RM3r Districts shall be 0.90. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.20 multiplied by the ratio of parking spaces provided in underground parking or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio in the RM3, RM3s, and RM3r Districts exceed 1.10. For clarity, the maximum floor area ratio permitted in the RM3r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the RM3, or RM3s District.

(2) Notwithstanding subsection (1) of this section, in the RM3 and RM3s Districts, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio

may be increased by 0.15, but except as provided in subsection (3), in no case shall the floor area ratio in the RM3 and RM3s exceed 1.25.

(3) Notwithstanding subsections (1) and (2) of this section, in the RM3s District, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased by 0.25, but in no case shall the floor area ratio in the RM3s exceed 1.50.

36. THAT Sections 204.6(1), 204.6(2), 204.6(3), and 204.6(4) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

204.6 Floor Area Ratio:

(1) The maximum floor area ratio in the RM4, RM4s, and RM4r Districts shall be 1.40. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.30 multiplied by the ratio of parking spaces provided in underground parking or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio in the RM4, RM4s, and RM4r Districts exceed 1.70. For clarity, the maximum floor area ratio permitted in the RM4r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the RM4, or RM4s District.

(2) Notwithstanding subsection (1) of this section, in the RM4 and RM4s Districts, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased by 0.30, but except as provided in subsection (3), in no case shall the floor area ratio in the RM4 and RM4s exceed 2.00.

(3) Notwithstanding subsections (1) and (2) of this section, in the RM4s District, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased:

(a) up to a further 0.80 determined in accordance with section 6.22(3); plus
(b) an additional supplement equal to the increase under subsection (a);

but in no case shall the floor area in the RM4s exceed 3.60.

37. THAT Sections 205.6(1), 205.6(2), 205.6(3), and 205.6(4) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

205.6 Floor Area Ratio:

(1) The maximum floor area ratio in the RM5, RM5s, and RM5r Districts shall be 1.80. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or

underground parking is constructed, the floor area ratio may be increased by 0.40 multiplied by the ratio of parking spaces provided in underground parking or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio in the RM5, RM5s, and RM5r Districts exceed 2.20. For clarity, the maximum floor area ratio permitted in the RM5r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the RM5, or RM5s District.

(2) Notwithstanding subsection (1) of this section, in the RM5 and RM5s Districts, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased by 0.40, but except as provided in subsection (3), in no case shall the floor area ratio in the RM5 and RM5s exceed 2.60.

(3) Notwithstanding subsections (1) and (2) of this section, in the RM5s District, where amenities, affordable or special needs housing, or cash-in-lieu contributions are provided in accordance with section 6.22 of this bylaw, the floor area ratio may be increased:

(a) up to a further 1.20 determined in accordance with section 6.22(3); plus
(b) an additional supplement equal to the increase under subsection (a);

but in no case shall the floor area in the RM5s exceed 5.00.

38. THAT Sections 206.7 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

206.7 Floor Area Ratio:

The maximum floor area ratio in the RM6 and RM6r Districts shall be 0.70. For clarity, the maximum floor area ratio permitted in the RM6r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the RM6 District.

39. THAT Sections 207.6 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

207.6 Floor Area Ratio:

(1) The maximum floor area ratio in the RM7, and RM7r Districts shall be 0.90. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.20 multiplied by the ratio of parking spaces provided in underground parking or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio in the RM7, and RM7r Districts exceed 1.10. For clarity, the maximum floor area ratio permitted in the RM7r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the RM7 District.

40. THAT Sections 302.5 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

The maximum floor area ratio shall be 1.00. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.30 multiplied by the ratio of parking spaces provided in underground parking or such structured parking to the total parking spaces provided, but in no case shall the floor area ratio exceed 1.30.

41. THAT Sections 303.5 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

The maximum floor area ratio shall be 5.00. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 1.00 multiplied by the ratio of parking spaces provided in underground parking or such structured parking to the total parking spaces provided, but in no case shall the floor area ratio exceed 6.00.

42. THAT Sections 308.6(1) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(1) The maximum floor area ratio shall be 2.00. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 1.00 multiplied by the ratio of parking spaces provided in underground parking or such structured parking to the total parking spaces provided, but in no case shall the floor area ratio exceed 3.00.

43. THAT Sections 309.6(1) of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

(2) The maximum floor area ratio shall be 1.20. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 1.00 multiplied by the ratio of parking spaces provided in underground parking, or such structured parking, to the total parking spaces provided, but in no case shall the floor area ratio exceed 2.20.

44. THAT Sections 511.8 of the Zoning Bylaw be repealed and replaced with wording the same or similar to the following:

511.8 Floor Area Ratio:

(1) The maximum floor area ratio in the P11 and P11r Districts shall be 0.45. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 0.45 multiplied by the ratio of

parking spaces provided in underground parking or such structured parking to the total parking spaces provided, but in no case shall the floor area ratio in the P11 and P11r Districts exceed 0.90. For clarity, the maximum floor area ratio permitted in the P11r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the P11 District.

(2) *The maximum floor area ratio in the P11e and P11e/r Districts shall be 0.45. Where structured parking is provided due to topographic or geotechnical considerations as determined by the Director Planning and Building, or underground parking is constructed, the floor area ratio may be increased by 1.25 multiplied by the ratio of parking spaces provided in underground parking, or such structured parking to the total parking spaces provided, but in no case shall the floor area ratio in the P11e and P11e/r Districts exceed 1.70. For clarity, the maximum floor area ratio permitted in the P11e/r District shall be in addition to the FAR permitted for any other zoning district on the lot, including the P11e District.*

45. THAT Section 800.4(2)(b.1) of the Zoning Bylaw be amended by replacing the term "section 203.5(3), 204.7(3), or 205.7(3)" with the term "sections 203.6(3), 204.6(3), or 205.6(3)".

4.0 CONCLUSION

The above Zoning Bylaw text amendments are proposed in order to clarify certain aspects of zoning requirements, make amendments in support of existing practices and Council policies, and achieve other regulatory changes. It is recommended that Council approve the above proposed amendments, as outlined in Section 3.0 of this report, and direct that the Zoning Bylaw text amendment be advanced to a future Public Hearing.

FW E.W. Kozak, Director
PLANNING AND BUILDING

PS:tn

cc: City Manager
Director of Engineering
Director Public Safety and Community Services
City Solicitor
Director Finance
Director Corporate Services
Chief Building Inspector
City Clerk