



**Regular Council meeting for Public Hearings
Monday, April 19, 2022**

Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day
Councillor Andy Hobbs
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Linda McPhail
Councillor Harold Steves (by teleconference)
Councillor Michael Wolfe

Claudia Jesson, Corporate Officer

Call to Order: Mayor Brodie opened the proceedings at 7:00 p.m.

PH22/4-1 It was moved and seconded
*That Item 4, Richmond Zoning Bylaw 8500, Amendment Bylaw 10001
(RZ 18 829337) be deferred to the May 16, 2022 Public Hearing meeting.*
CARRIED

1. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 9877
(RZ 18 802860)**

(Location: 4400, 4420, and 4440 Smith Crescent; Applicant: Art Homes Ltd.)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

Rupert Whiting, Richmond Resident (Schedule 1)

Bob Friedland, Richmond Resident (Schedule 2)

Councillor Carol Day, (Schedule 3)



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Submissions from the floor:

Kevin Douglas, Richmond resident expressed his concerns regarding ground water drainage during construction causing flooding to his property because of the ditch along Smith Crescent. Staff advised that they will speak to the applicant regarding the drainage and will get back to Mr. Douglas.

De Whalen, Richmond Poverty Reduction Coalition spoke about the need for creating more affordable housing, and mandating LEMR housing. She also commented on Item 2, the Spires Road development stating that the project can be further densified and she encouraged the City to pursue and secure Provincial funding sources to develop more affordable housing.

Evan Dunfee, Richmond resident, spoke about the need to be proactive and seek out opportunities for Affordable housing development.

PH22/4-2

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 9877 be given second and third readings.

The question on the motion was not called as discussion ensued with regards to (i) the application complying with the Hamilton Area plan, (ii) the creation of a hub for the neighborhood by redesigning and allowing for more affordable housing, (iii) creating higher density and smaller units, (iv) the adoption of the Hamilton Area plan in 2014, (v) any additional density to this project will require an update to the Official Community Plan (OCP), (vi) redesign of project to retain more trees, and (vii) project delays contribute to higher costs and lower affordability.

As a result of the discussion the following referral motion was introduced:

PH22/4-3

It was moved and seconded

That the staff report titled "Application by Art Homes Ltd. for Rezoning at 4400, 4420, and 4440 Smith Crescent from the "Single Detached (RS1/F)" Zone to the "High Density Townhouses (RTH1)" Zone" from the Director of Development, dated February 23, 2022 be referred back to staff to work with the developer, Art Homes to review the option of developing a high density condo complex over a shared parkade.

The question on the motion was not called as discussion ensued regarding densifying the project into condos allowing for affordable units suited to first time buyers and those with a family income of \$60,000 to \$117,000 to buy or rent a unit.



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In reply to queries regarding the suitability of a hub, staff noted (i) the extended timeline for such a project and (ii) that creating a hub would be a significant change from the existing area plan and staff would not recommend a one off amendment to the area plan to achieve it.

The question on the referral motion was then called and **DEFEATED** with Mayor Brodie and Cllrs. Hobbs, Loo, McPhail, McNulty and Steves opposed.

The question on the main motion was then called and **CARRIED** with Cllrs. Au, Day and Wolfe opposed.

2. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10357
(RZ 19-870807)**

(Location: 8740, 8760, 8780, 8800 Spires Road, and the surplus portion of the Spires Road Road allowance; Applicant: Terra Spires Development LP)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

John Roston, Richmond Rental Housing Advocacy Group (Schedule 4)
Councillor Carol Day, (Schedule 5)

Submissions from the floor:

Michelle Li, Richmond resident expressed concerns about the housing crisis and the need for more Affordable housing.

Laura Gillanders, Richmond Rental Housing Advocacy Group, referred to her submission (attached to and forming part of these minutes as Schedule 4) and expressed her concerns that the Spires Road area should be 100 percent market rental and income controlled rental and that more townhouse development is not the type of supply needed to address the affordable housing crisis.

David Yang, Richmond resident, spoke about the need to increase Affordable housing. Prioritizing market, non market housing, and social housing and updating the Official Community Plan.



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Jose Gonzalez, Richmond resident, expressed concerns regarding construction vehicles blocking traffic in residential areas and residents parking their vehicles on City boulevards.

In response to queries from Council staff advised that there is a requirement for each development to have a construction management plan and that Community Bylaws will be enforcing parking in the area.

Evan Dunfee, Richmond resident spoke about natural gas hook ups for the development.

The following **referral motion** was introduced:

PH22/4-4

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10357, for the rezoning of 8740, 8760, 8780 and 8800 Spires Road, and the surplus portion of the Spires Road road allowance from “Single Detached (RS1/E)” to “Parking Structure Townhomes (RTP4)”, be referred back to staff to work with the developer Terra Spires Development LP to review the overall concept and the option of developing a high density condo complex over a shared parkade as well as to consult with the neighbourhood.

The question on the referral motion was not called as discussion ensued regarding (i) the referral report in the Spires Road area to look at adding additional density for the provision of rental housing, (ii) the applicant has elected to proceed with their application under the current area plan, and (iii) the proposal is consistent with the development pattern in the area.

The question on the referral motion was then called and **DEFEATED** with Mayor Brodie and Cllrs. Au Hobbs, Loo, McPhail, and McNulty opposed.

PH22/4-5

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10357 be given second and third readings.

CARRIED

Opposed: Cllrs:Day

Steves

Wolfe



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3. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10359 (RZ 21 936290)**

(Location: 11720 Williams Road, Applicant: Pakland Properties)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

None

Submissions from the floor:

None

PH22/4-6

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10359 be given second and third readings.

CARRIED

4. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10001 (RZ 18 829337)**

(Location: 8031/8051/8071 No. 2 Road and 5760/5780/5786 Blundell Road, Applicant: Zhao XD Architect Ltd.)

Purpose: To rezone the subject property from the "Single Detached (RS1/E)" zone to the "Medium Density Townhouses (RTM3)" zone, to permit the development of 25 townhouse dwellings with vehicle access from 8091 No. 2 Road.

First Reading: March 28, 2022

Please see page 1 for action on this item.

5. **TEMPORARY COMMERCIAL USE PERMIT (TU 22-005410)**

(Location: 8620 and 8660 Beckwith Road, Applicant: City of Richmond)

Written Submissions:

None.



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Submissions from the floor:

None.

PH22/4-7

It was moved and seconded

That the Temporary Commercial Use Permit be issued allowing "Parking, non-accessory" as a permitted use at 8620 and 8660 Beckwith Road, to permit the operation of a pay parking lot for a period of three years from the date of issuance.

CARRIED

6. **RICHMOND ZONING BYLAW 8500, AMENDMENT BYLAW 10360**
(Location: City Wide, Applicant: City of Richmond)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

None

Submissions from the floor:

Evan Dunfee, Richmond resident, spoke about fast tracking low market rental housing.

PH22/4-8

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10360 be given second and third readings.

CARRIED

PH22/4-9

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10360 be adopted.

CARRIED

ADJOURNMENT

PH22/4-10

It was moved and seconded

That the meeting adjourn (9:31 p.m.).



City of Richmond

Minutes

Regular Council meeting for Public Hearings Monday, April 19, 2022

CARRIED

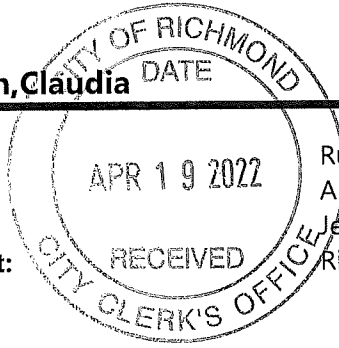
Certified a true and correct copy of the Minutes of the Regular meeting for Public Hearings of the City of Richmond held on April 19, 2022.

Mayor (Malcolm D. Brodie)

Acting Corporate Officer
(Matthew O'Halloran)

Schedule 1 to the Minutes of the Public Hearing meeting of Richmond City Council held on Tuesday, April 19, 2022.

Jesson, Claudia



From: Rupert Whiting <rupertwhiting@gmail.com>
Sent: April 14, 2022 8:52 AM
To: Jesson, Claudia
Subject: Richmond Housing Plans

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Dear Ms Jesson,

I would like to to register my objection to the current plans for the developments of townhouses at 4400, 4420 and 4440 Smith Road in the Hamilton neighbourhood. I believe that this is in appropriate use of limited land stock and it should be developed more densely in order to create more affordable housing in our city.

Likewise I object to the current development plans at 8740-8800 Spires Road. Again the proposed development does not maximize the opportunity for denser, more affordable housing in a location that is ideal for residents without cars.

I would support a review of the City's Official Community Plan to increase the number of rental and affordable units. The City requires a broad spectrum of housing to thrive and the current push to create the maximum number of high value townhomes will have longterm consequences that serve no-one but the developers and the investors in these properties.

Best regards,

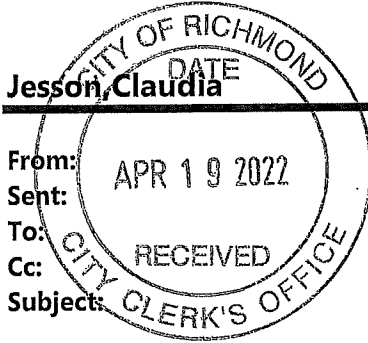
Rupert Whiting
(604) 339-5369
rupertwhiting@gmail.com

PHOTOCOPIED

APR 19 2022

& DISTRIBUTED

Schedule 2 to the Minutes of the
Public Hearing meeting of
Richmond City Council held on
Tuesday, April 19, 2022



Jesson, Claudia

From: Bob Friedland <bobfriedland@shaw.ca>
Sent: April 18, 2022 10:22 PM
To: 'Carol Day'
Cc: Jesson, Claudia
Subject: RE: Housing Crisis opportunity to have your say....

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Ms. Jesson,

Please scroll down. Councillor Carol Day has asked me to forward you my comments on affordable housing.

I have highlighted them in yellow, below.

Thank you.

Bob

Bob Friedland
Barrister & Solicitor
#1002 - 6651 Minoru Boulevard
Richmond, British Columbia
V6Y 1Z2 CANADA

telephone: 604-232-1204
FAX: 604-232-1294

From: Carol Day [mailto:carol@carolday.net]
Sent: April 18, 2022 9:32 PM
To: Bob Friedland
Subject: Re: Housing Crisis opportunity to have your say....

Hi Bob

Great comments can you send them to cjesson@richmond.ca??

Thanks very much carol Day

On Wed, Apr 13, 2022 at 12:26 PM Bob Friedland <bobfriedland@shaw.ca> wrote:

Hi Carol,

PHOTOCOPIED

APR 19 2022

& DISTRIBUTED

Thank you, but I won't speak.

Please feel free to share my thoughts, though.

As you may know, I have long been a champion of affordable housing.

The present housing situation is extraordinary. Small, incremental zoning changes won't significantly affect the terrible time so many people have finding affordable housing, either rental or ownership.

In my view, the most effective thing municipalities, and other levels of government can do, is to provide long-term, 99 year leases of surplus public land to developers, with the requirement they build, lease, or sell to persons who satisfy an income test.

As you may know, this was a very successful way in which the City of Vancouver originally developed townhouses on False Creek, many, many years ago.

Thank you, and keep up the great work!

Bob

Bob Friedland

Barrister & Solicitor

#1002 - 6651 Minoru Boulevard

Richmond, British Columbia

V6Y 1Z2 CANADA

telephone: 604-232-1204

FAX: 604-232-1294

From: Carol Day [mailto:carol@carolday.net]
Sent: April 13, 2022 11:28 AM
To: Carol Day
Subject: Housing Crisis opportunity to have your say....

Hi There

FYI : There is a Public Hearing on April 19th at 7:00 pm This is a Opportunity to speak to the Housing Crisis

https://www.richmond.ca/agendafiles/Public_Hearing_4-19-2022.pdf

Item # 1

4400, 4420, 4440 Smith road in Hamilton, High Density Townhouses This allows for 34 townhouses which I suspect will cost 1.2 to 1.5 million dollars each. This is NOT affordable housing so I voted against it. This location is located in between Hwy 91A and a park on Smith road in Hamilton so it seems to me that this could be higher density . There is another high density development at Gilley Road and Westminster hwy and there is a shopping mall at the same corner, A community centre is less than a block away so in my opinion this site would be ideal for taller buildings with smaller more affordable housing and or rentals. Why not create more affordable units in this *community hub* for new owners and renters???

I feel we need to refer this back for better options and to wait for the revised OCP (Official Community Plan). Orientating the building closer to Smith road would better because it could buffer the condos from the traffic noise from the highway and allow for a mini park or green space.

Item # 2

8740, 8760, 8780, 8800 Spires road 36 Townhouses over a Parking Structure.

The project is located a short distance from City Centre and within walking distance of the Brighthouse Canada Line Station. The townhouses will likely sell for approx 1.5 Million dollars and are geared towards investors and people with a significant amount of wealth. This location in my opinion is ideal for rental tenure zoning and smaller more affordable units, if this project goes ahead that option will vaporize for at least 40 years.

Changing the Official Community Plan is a process and I am more than willing to wait as long as it takes to get the right housing for the people of Richmond.

The Minister for Housing is MLS David Eby and he is quoted as say this in a Vancouver Sun News story: <https://vancouver.sun.com/news/local-news/coordination-among-governments-needed-to-build-more-affordable-housing-national-report-urges-better-coordination-among-governments-to-build-more-affordable-housing>

In a written statement, the minister responsible for housing, David Eby, admits not all municipalities are as committed to the push to create affordable housing.

"We see some great examples of hard work by some municipalities to streamline processes and open housing quickly, like initiatives in Kamloops, Victoria, Richmond, Coquitlam and Burnaby," he said.

"Other municipalities are struggling to approve housing or are simply refusing to acknowledge they have a responsibility to approve badly needed, new multi-family housing for rent and purchase."

Richmond is building housing at a very fast rate but are we building the right housing? I have attached the 2021 Housing needs report but I warn you the statistics are alarming. Your opinion is valuable to me, if you want to participate in the topic.....

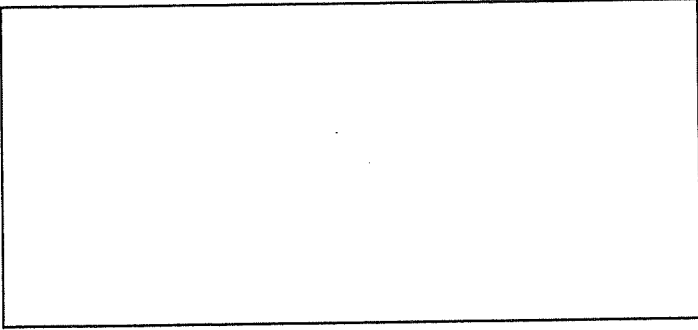
Please write to the City Clerk Claudia Jesson and let her know if you want to send in a letter for the record, Register to speak on ZOOM or come to the meeting in person. cjesson@richmond.ca

Best regards,

Carol Day

Richmond City Councillor | RITE Richmond
"WORKING for the People of Richmond"

T 604.240.1986
F 604.271.5535
carol@carolday.net



Check out the *NEW Council Voting Record*

Like and share on Facebook

www.RITERichmond.com

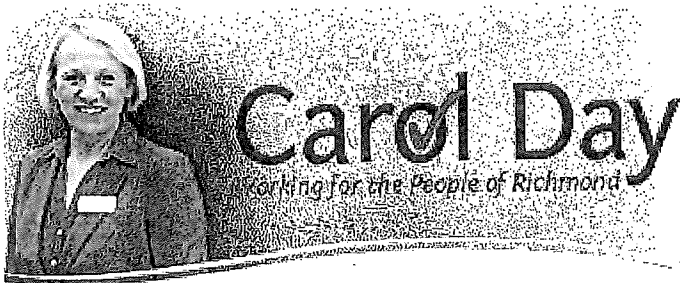
Next Election Oct 15, 2022

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Best regards,

Carol Day

Richmond City Councilor | RITE Richmond
"WORKING for the People of Richmond"

T 604.240.1986
F 604.271.5535
carol@carolday.net



Check out the *NEW Council Voting Record*

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MOTION: Carol Day

Item # 1 Public Hearing April 19, 2022

34 Townhouses Smith Road

To Refer back to staff Smith road road project to work with the developer Art Homes

to review the option of developing a high density condo complex over a shared parkade.

Rational : There are high density condos located a block away at Willett and Westminbster highway and this area is designated Neighbourhood Village Centre. There is a park across the street from the development and a community centre, shopping mall and school very nearby.

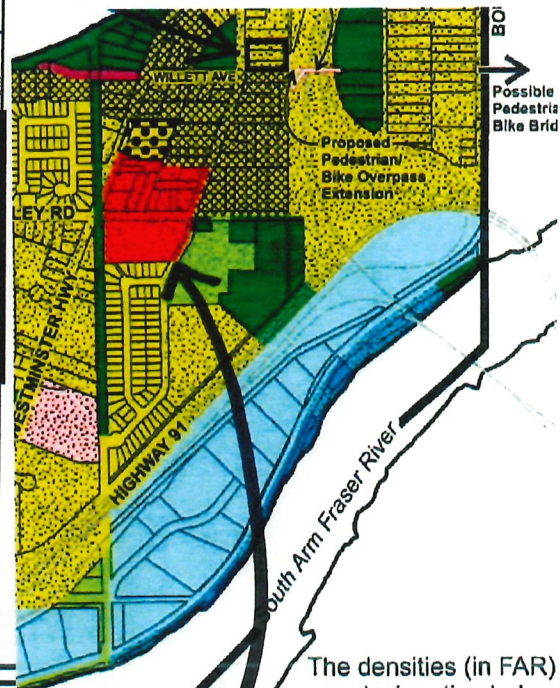
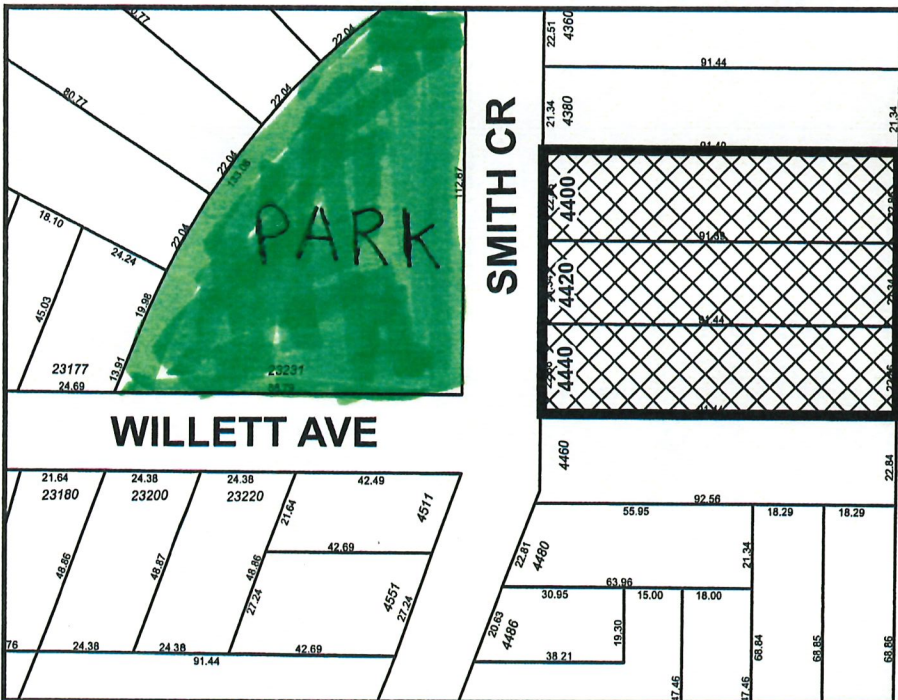
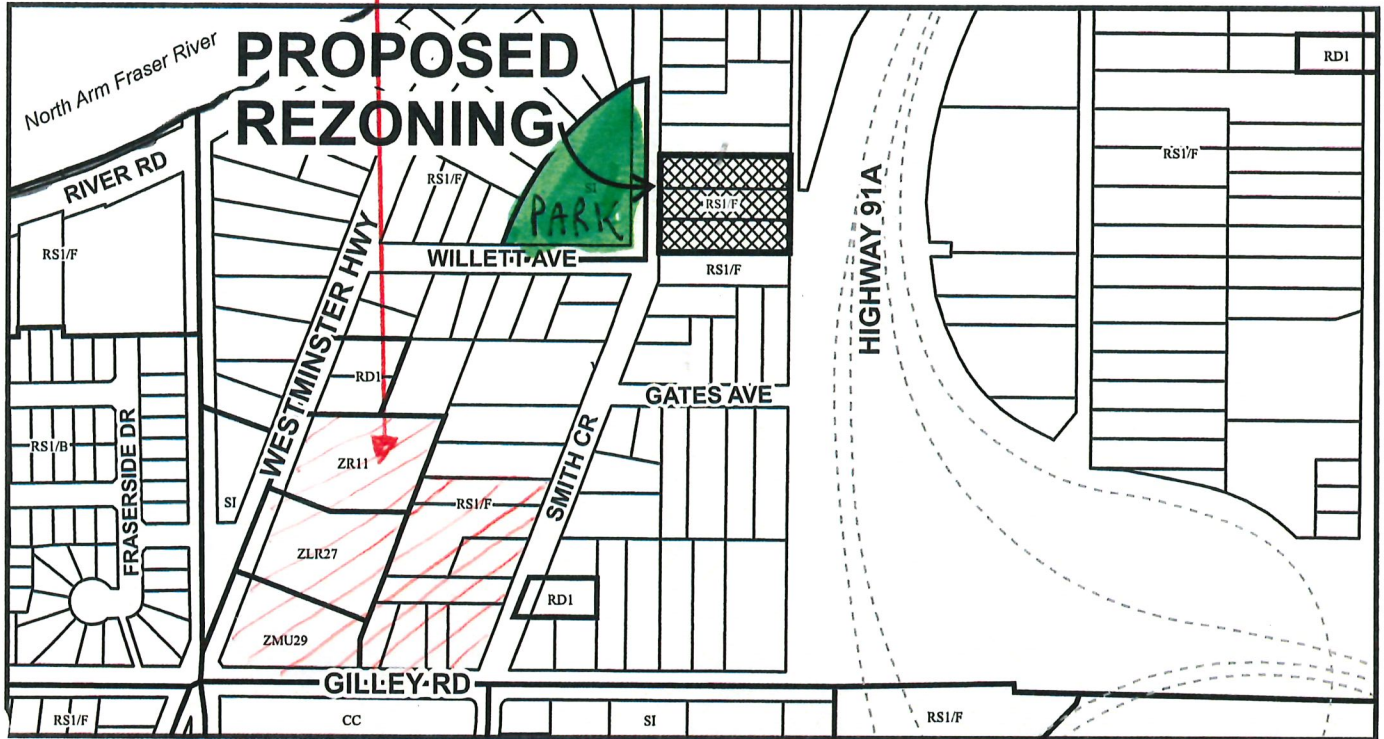
Densifying the project into condos would allow for affordable units perfectly suited to first time buyers and those with a family income of \$ 60,000 to \$ 117,00 dollars to buy or rent a unit.

4 Storey Neighbourhood Village Centre

ATTACHMENT 1



City of
Richmond



The densities (in FAR) use designation below **maximums** permitted net parcel area and in density bonus that ma under the Plan's polici



RZ 18-802860

PH - 16

- Neighbourhood Residential (Stacked Townhouse)
- Neighbourhood Village Centre (Residential 4 Stor
- Neighbourhood Village Centre (Retail and Office Residential above 4 Storey 1.50 FAR)

From: CityClerk
Subject: FW: Public Hearing April 19, 2022 - Agenda Item 2: Spires Rd. Townhouse Development

From: John Roston, Mr <john.roston@mcgill.ca>
Sent: Saturday, 16 April 2022 15:49
To: Brodie, Malcolm <MBrodie@richmond.ca>; McNulty,Bill <BMcNulty@richmond.ca>; Steves,Harold <hsteves@richmond.ca>; Day,Carol <CDay@richmond.ca>; Au,Chak <CAu@richmond.ca>; Loo,Alexa <ALoo@richmond.ca>; Hobbs,Andy <AHobbs@richmond.ca>; McPhail,Linda <LMcPhail@richmond.ca>; Wolfe,Michael <MWolfe@richmond.ca>
Cc: CityClerk <CityClerk@richmond.ca>; Michelle Li (michelleli@shaw.ca) <michelleli@shaw.ca>; Laura Gillanders (lauragillanders@gmail.com) <lauragillanders@gmail.com>
Subject: Public Hearing April 19, 2022 - Agenda Item 2: Spires Rd. Townhouse Development

City of Richmond Security Warning: This email was sent from an external source outside the City. Please do not click or open attachments unless you recognize the source of this email and the content is safe.

Dear Mayor & Councillors,
Comments below on the Spires Road townhouse development proposal. Michelle Li and Laura Gillanders will also be speaking on behalf of our group at the Public Hearing.

Richmond Rental Housing Advocacy Group
John Roston, Coordinator

**Public Hearing – April 19, 2022, Agenda Item 2: 8740, 8760, 8780, 8800 Spires Road.
Submission by the Richmond Rental Housing Advocacy Group**

This development is in the Spires Road Area which is one of the very few City Centre areas where large amounts of market and below market rental housing can be built close to mass transit. Medium rise buildings (12 storeys) in this area could accommodate thousands of families rather than a few hundred if the area becomes entirely townhouses. The transition of this area to townhouses is well underway and this project will accelerate the process.

If Council continues to wait for developers to propose projects in this area, then they will propose townhouses. If Council instead acts proactively and zones this entire area for 100% rental, it will limit the rise in land values and rental developers will propose 100% rental projects. However, time is of the essence before strata housing developers bid up the price of land higher than the level at which rental is profitable.

There is a staff report due in May on “density bonusing in the Spires Road Area to facilitate new multiple family developments that include a mix of strata housing, market rental and income-controlled rental.” Our position is that only market rental and income-controlled rental are appropriate for this area. The developer of this project has indicated that it is not interested in rental even with a density bonus. This reinforces our view that if strata housing is permitted, that is what will be proposed and built.

At the very least, approval of this project should be deferred until after the staff report has been considered and voted upon in May.

MOTION: Carol Day

Item # 2 Public Hearing April 19, 2022

8740, 8760, 8780, 8800 Spires road 36 Townhouses

To Refer back to staff 8740, 8760, 8780, 8800 Spires road to work with the developer Terra Spires Development LP to review the option of developing a high density condo complex over a shared parkade.

RATIONAL: There already exist tall high density condo towers located just one block away on Garden City Road and on St Albans road it would be a great opportunity to do the same in the Spires area. Densifying the project into condos would allow for affordable units perfectly suited to first time buyers and those with a family income of \$ 60,000 to \$ 117,00 dollars to buy or rent a unit. Located 2 blocks from the Canada Line Rapid Transit station, close to a school and park and a short distance to shopping and all the amenities needed this location is well suited in the Richmond City Centre community for condo's. Home ownership has become very difficult with rising real estate prices and the 36 luxury townhomes would be out of reach for 90 to 95% of Richmond Residents according to the City of "Richmond Housing needs report" of 2021.

Staff have informed council that next month they will submit a report on the Spires area so referring this back to staff for another month seems a logical idea given the report may have options for Rental Tenure zoning. **Spires Road Referral** Page 52 PH (Attached)

Province of BC **Residential Rental Tenure Zoning** (Bulletin attached)

Minister Eby's comments on more affordable housing:

The provincial has granted the option for Residential Tenure Zoning and Minister Eby has stated Jan 28, 22 " **Each new floor of Rental you do in a building improves affordability for the entire project . It's true for a BC Housing project and for a private project. So when council knocks off 10 floors for what feels like arbitrary reasons, that impact affordability.**" When asked about studying data before making a decision to build affordable housing Minister Eby was also quoted in saying, " **Well , I'll be sure to mention that to all the people sleeping in their cars, and lining up to find rental units; that we are going to study the problem more.**" May 26th 2021 Minister Eby also pointed out that BC Housing's affordable rental and home ownership division, Housing Hub, received a \$ 2 billion investment in the recent provincial budget, This money will provide lower- interest construction-financing loans to encourage developers and community groups to build housing for middle income households. According to Eby. This helps "**affordable housing for the middle class for (Family) incomes of up to \$ 117,00,**" though he added that it had been targeted at family incomes of \$ 60,000.

" **With this investment, it is our hope and expectation that 9,000 new affordable housing units are funded through this investment,**" he said.

" **It also reflects a fairly dramatic shift on the part of government to recognize that there is clearly a connection between affordable middle -class rental housing and homelessness- that we need to go upstream,**" Eby said. " **We need to provide housing for people to take pressure off the rental-housing market ."**



Residential Rental Tenure Zoning – Bulletin

The *Local Government Statutes (Residential Rental Tenure Zoning), Amendment Act, 2018, S.B.C. 2018, c. 26* makes amendments to the *Local Government Act* and *Vancouver Charter*.

The legislation provides local governments with a new authority to zone for residential rental tenure (i.e. rental housing), and enact zoning bylaws that:

- require that new housing in residential areas be developed as rental units; and
- ensure that existing areas of rental housing are preserved as such.

The new rental zoning authority can only be used where multi-family residential use is a permitted use. Within these areas, local governments can now:

- set different rules in relation to restricting the form of tenure of housing units for different zones and locations within a zone; and
- require that a certain number, portion or percentage of housing units in a building be rental.

The intent of these changes is to give local governments greater ability to preserve and increase the overall supply of rental housing in their communities, and increase housing choice and affordability.

The new authority came into effect on May 31, 2018, on Royal Assent, and is now available for local governments to use.

BACKGROUND

Until now, under B.C.'s land-use planning framework, local governments have not been permitted to zone for rental housing. Some local governments have requested this authority, and the 2018 report of UBCM's Special Committee on Housing (*A Home for Everyone: A Housing Strategy for British Columbians*) recommended the Province provide a rental zoning authority to local governments.

This is an innovative approach, as research undertaken to date has not identified a similar authority elsewhere in North America. Some jurisdictions permit *inclusionary zoning* which differs from rental zoning. The main difference is that rental zoning allows for the protection of existing areas of rental housing and the enabling of new rental development, whereas inclusionary zoning is typically aimed at ensuring affordability within new development.

LEGISLATION

Application

This new rental zoning authority applies to all local governments in B.C., including municipalities and regional districts.



This tool can be used at different geographic scales - e.g. blocks, lots, or individual buildings. Within a building, it can be used to require that all housing units, or a certain number, portion or percentage of housing units be rental. This means that communities of all sizes can be surgical in applying the authority to support local goals of neighbourhood completeness and diversity.

As noted above, rental zoning can only be used in locations where multi-family residential is a permitted use. These locations could be in zones that are strictly multi-family residential, or within comprehensive development or multi-use zones where multi-family residential is one of several permitted uses. Importantly, a local government can only limit tenure to residential *rental* tenure (i.e. it cannot not limit tenure to ownership and prevent rental).

One way in which rental zoning is expected to be used is to support rental housing close to current and future transit lines and other amenities.

Non-Conforming Forms of Tenure

The authority will work in conjunction with the existing provisions for non-conforming uses and non-conforming structures. It reflects the guiding principle that there be the least possible intrusion on property rights of owners occupying their homes when a rental zoning bylaw is adopted.

When a rental zoning bylaw is adopted, the intention is for the following to continue as non-conforming:

- the tenures of existing properties (e.g. strata units);
- the tenures of buildings that are “in-stream” (i.e. have received a development or building permit); and
- the tenure of any pre-sold strata units.

A change in property owners or tenants would not affect the non-conforming tenure status of a property.

The non-conforming tenure status of a property would no longer continue, and the property would be subject to a new rental zoning bylaw...

- when changes to a building include the addition of new housing units. Those units would be subject to the rental tenure provisions of a zoning bylaw; or
- after a strata corporation is wound up, upon disposition of the units and the land that previously belonged to the strata corporation.

Strata Bylaws and Housing Cooperative Rules

Existing strata properties in locations where a rental zoning bylaw is adopted will be considered to have non-conforming tenure. Where a rental zoning bylaw is adopted, that bylaw would not affect strata corporation bylaws or housing cooperative rules.



Public Hearings

Following a public hearing on a bylaw, a council/board cannot alter a part of a zoning bylaw that would require rental housing without further notice or public hearing. This aligns with the public hearing requirements for zoning bylaw changes to use and density, and ensures that local governments provide adequate information to the public.

Development Permits, Development Variance Permits and Boards of Variance

The legislation establishes that development permits and development variance permits must not vary the application of a zoning bylaw in relation to residential rental tenure.

Similarly, the legislation requires that any variance that is permitted by a board of variance does not alter the application of provisions in a zoning bylaw respecting rental zoning. Specific to the *Vancouver Charter*, the board of variance shall not allow an appeal about a zoning by-law in relation to residential rental tenure of housing.

Heritage Properties

The legislation requires that a local government hold a public hearing if a heritage revitalization agreement, or amendment to the agreement, proposes to alter provisions in a zoning bylaw relating to rental housing. It also establishes that a heritage alteration permit may not vary provisions in a zoning bylaw related to rental housing.

Enforcement

The intention is that local governments will have access to the same suite of bylaw enforcement options for this new zoning authority as they already have for existing zoning authorities (e.g. ticketing, bylaw notices).

REGULATIONS

The legislation provides the Province with the authority to make regulations prescribing when non-conforming forms of tenure are authorized to continue, and in relation to when a non-conforming form of tenure is no longer authorized.

IMPLEMENTING RENTAL ZONING

Before a local government uses this provision, ideally they will first consider their local housing needs, including the appropriate number, type and location of rental units. Over time, this information will become more readily available given the new legislative requirement for housing needs reports (*Local Government Statutes (Housing Needs Reports) Amendment Act, 2018, S.B.C. 2018, c. 20*).



A local government's Official Community Plan (OCP) may already include policies on rental housing that provide sufficient direction about where and how to update the zoning bylaw for rental housing. If not, the OCP would need to be amended accordingly.

Following from this, the local government would amend their zoning bylaw to limit tenure to rental in identified multi-family residential areas. The rezoning process would follow legislated requirements and would typically include a public hearing (if the proposed zoning amendments are consistent with the OCP, a public hearing may be waived).

A local government that chooses to use rental zoning must define "residential rental tenure" in its zoning bylaw. The definition can reflect the different needs and context of the community.

RELATIONSHIP TO OTHER LAND-USE TOOLS

The new rental zoning authority will complement existing provisions in the legislation, including those aimed at securing affordable rental units. For instance, existing density bonus provisions allow affordable housing units to be secured in exchange for a pre-determined density bonus, if a developer/land owner chooses the density bonus option. As well, conditions related to affordability, including rents or sales prices (or the form of tenure), can be secured over time through a housing agreement with the land owner.

MONITORING

Local governments are responsible for local land use planning and development. It will be up to them, when considering rental zoning, to make responsible decisions that take into account best practices related to matters such as community completeness, compactness and diversity.

The Province plans to monitor the adoption and use of rental zoning to determine how local governments are using it and how it is helping to secure the additional rental housing they need to meet local housing needs. Monitoring will also allow the Province to ensure that the tool is performing as intended.

MORE INFORMATION

Guidance material will be forthcoming later in 2018, which will include key considerations for local governments that are considering using this new authority. In the meantime, please direct any questions about the new legislation to:

Ministry of Municipal Affairs and Housing
Planning and Land Use Management Branch
Telephone: 250-387-3394
Email: PLUM@gov.bc.ca

Full text of the Act: <http://www.bclaws.ca/civix/document/id/bills/billscurrent/3rd41st:gov23-3>

More information about housing: <https://www2.gov.bc.ca/gov/content/housing-tenancy>