AGENDA

COUNCIL WORKSHOP

Monday, July 11, 2022 7:00 p.m. Skyline Meeting Room, Municipal Hall 355 West Queens Road North Vancouver, BC

Watch at https://dnvorg.zoom.us/j/67910218298

Council Members:

Mayor Mike Little
Councillor Jordan Back
Councillor Mathew Bond
Councillor Megan Curren
Councillor Betty Forbes
Councillor Jim Hanson
Councillor Lisa Muri



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District of North Vancouver

NORTH VANCOUVER

355 West Queens Road, North Vancouver, BC, Canada V7N 4N5 604-990-2311 www.dnv.org

COUNCIL WORKSHOP

7:00 p.m.
July 11, 2022
Skyline Meeting Room, Municipal Hall,
355 West Queens Road, North Vancouver
Watch at https://dnvorg.zoom.us/j/67910218298

AGENDA

1. ADOPTION OF THE AGENDA

1.1. July 11, 2022 Council Workshop Agenda

Recommendation:

THAT the agenda for the July 11, 2022 Council Workshop is adopted as circulated, including the addition of any items listed in the agenda addendum.

2. ADOPTION OF MINUTES

3. REPORTS FROM COUNCIL OR STAFF

3.1. Residential Rental Tenure Zoning Applications

p. 7-35

File No. 10.5040.00/004.000

Report: Community Planner and Housing Planner, June 23, 2022

Attachment 1: Municipal Scan of Approaches to Residential Tenure Zoning

Attachment 2: Map of Existing Multi-Family Market Rental Properties

Attachment 3: Presentation

Recommendation:

THAT the June 23, 2022 report of the Community Planner and Housing Planner entitled Residential Rental Tenure Zoning Applications is received for information.

4. PUBLIC INPUT

(maximum of ten minutes total)

5. ADJOURNMENT

Recommendation:

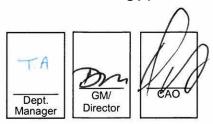
THAT the July 11, 2022 Council Workshop is adjourned.

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REPORTS

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AGE	ENDA INFORMATION
☑ Council Workshop	Date: July 11, 2022
☐ Finance & Audit	Date:
☐ Advisory Oversight	Date:
Other:	Date:



The District of North Vancouver REPORT TO COMMITTEE

June 23, 2022

File: 10.5040.00/004.000

AUTHOR:

Jessica Lee, Community Planner

Emme Lee, Housing Planner

SUBJECT: Residential Rental Tenure Zoning Approaches

RECOMMENDATION:

THAT the June 23, 2022 report of the Community Planner and Housing Planner entitled Residential Rental Tenure Zoning Approaches is received for information.

REASON FOR REPORT:

This report provides an overview of residential rental tenure zoning (RRTZ), and describes how it may be used to advance the District's housing objectives. The information presented in this report is intended to support further discussion on the topic and potential next steps.

SUMMARY:

In 2018, the Provincial government amended the Local Government Act to provide local governments with authority to zone land for residential rental tenure (i.e., rental housing). This would allow municipalities to preserve existing areas of rental housing and require new rental units in multi-family areas.

This report presents additional information on the legislation and the District's current rental housing stock. An assessment of the following potential approaches to use RRTZ in the District are discussed:

- 1. Use RRTZ to preserve existing market rental housing sites on a case-by-case basis;
- 2. Use RRTZ with housing agreements to enhance the protection of new multi-family rental housing; and
- 3. Use RRTZ in conjunction with new housing policy that requires rental in new multifamily housing.

BACKGROUND:

Residential Rental Tenure Zoning

In May of 2018, the Province provided local governments with authority to zone land for residential rental tenure. This would allow local governments to enact zoning bylaws that:

- Ensure that existing areas of rental housing are preserved as rental; and
- Require that new housing in residential areas be developed as rental units.

This new authority can only be used where a multi-family residential use is permitted. Table 1, below, identifies what rental tenure zoning can and cannot regulate.

Table 1: What residential rental tenure zoning can and cannot regulate

What RRTZ can regulate What RRTZ cannot regulate Restrict the form of tenure of a block, property. Specify rent details, such as rental rates, tenant eligibility criteria, and annual rent increases or building in a Zoning Bylaw Set different rules for different zones and Prescribe unit mixes (e.g. bedroom size) within new development locations within a zone Require a certain number, portion, or Prevent tenant displacement as a result of percentage of rental units in a building located redevelopment or major renovations within a zone Regulate stratified (owned) properties which would continue as legal non-conforming tenure

Existing Multi-family Rental Housing in the District

According to the 2021 Pace of Development, the District's multi-family rental housing stock¹ consists of:

- 2,286 approved market rental units;
- 1,182 approved social rental housing units; and
- 116 approved supportive housing rental units.

These units are part of the "primary rental market", having been built for the primary purpose of renting. The "secondary rental market" refers to individually owned units that are privately rented at market rates, such as strata apartments, townhouses, entire single family homes, coach houses, and secondary suites. Based on 2016 census data, the District's Housing Needs Report estimates 6,650 renter households in the District, and that approximately 25% of renter households are housed by the primary rental market with the remaining 75% occupying rental units in the secondary market. The District adopted a Strata Rental Protection Policy in April 2013 to ensure that all new strata ownership units can be rented by the owner at any time.

Since the adoption of the Official Community Plan (OCP) in 2011, the challenge of addressing the affordability and supply of rental housing has become more acute across the District. New purpose-built rental housing supply is not being developed fast enough to improve affordability for a growing renter population, and increasing median rents continue to outpace growth in median renter incomes. The affordability and supply issues are further

Document Number: 5608452

¹ These figures include units only, and do not include beds (e.g., care or supportive settings), safe houses, and emergency housing.

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exacerbated by a limited stock of affordable purpose-built rental, which are largely comprised of older buildings in the District.

The District uses a suite of mechanisms to secure primary rental housing and protect displaced tenants, including:

- Negotiating the provision of new and replacement of existing rental housing as part of a rezoning application;
- Negotiating tenant relocation assistance provisions for tenants that will be displaced as a result of a rezoning application;
- · Leasing District-owned lands to support social and supportive housing; and
- Utilizing housing agreements to secure the provision of new purpose-built rental housing in perpetuity or for a specified period of time.

EXISTING POLICY AND DIRECTIONS:

Official Community Plan (2011)

Policy 7.2.3: Encourage the retention of existing, and the development of new, rental units through development, zoning, and other incentives.

Strata Rental Protection Policy (2013)

All rezoning applications providing five or more strata-titled multi-family residential dwelling units should provide opportunity for any owner to offer their unit(s) for rent, for periods of 30 days or longer, at any time in the future.

Rental and Affordable Housing Strategy (2016)

Goal 2: Expand the supply of new rental and affordable housing.

Goal 3: Encourage the maintenance and retention of existing affordable rental.

Goal 4: Enable the replacement of existing rental housing with conditions.

OCP Action Plan (2021)

Supporting Action 18: Support renters through policy and zoning to increase stability for renters.

Rental, Social and Affordable Housing Task Force Final Report (2021)

The final report prepared by the Rental, Social and Affordable Housing Task Force (RSAHTF) includes several recommendations to Council, including:

- Create a framework that will facilitate the maintenance, restoration, and retention of purpose-built multi-unit rental buildings.
- Conduct a technical analysis on implementing rental-only zoning within the next four to six months.

Housing Needs Report (2021)

The Housing Needs Report outlines key areas of housing need and highlights gaps in the District's current housing supply. The Report highlights that 69% of the District's purpose-built rental units were built prior to 1980, which generally provide more affordable rental units in the District and are at risk of redevelopment due to their age.

DISCUSSION

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Municipal Approaches to Residential Rental Tenure Zoning

Since the new zoning tool was approved in 2018, nine BC municipalities were observed to have implemented residential rental tenure zoning in varying ways (Attachment 1). Some approaches to RRTZ include:

- Rezoning existing strata and/or non-strata purpose-built rental housing properties to protect their rental tenure through zoning;
- Pre-zoning municipally-owned properties to ensure future provision of rental housing;
- Applying RRTZ to new multi-family rezoning applications that include rental housing, in conjunction with housing agreements;
- · Introducing inclusionary housing policy to be used in tandem with RRTZ; and
- Creating template rental zones to simplify the rezoning process.

Given its relative newness, the effectiveness of RRTZ in preserving and expanding rental housing is still being determined.

Possible Approaches for the District

The District has a comprehensive system to encourage and protect purpose-built rental. Residential rental tenure zoning could be employed to embellish existing tools that protect and secure rental housing. Staff have identified three possible approaches to implement RRTZ in the District's primary rental housing market, which are described below. Rental units provided through the secondary rental housing market are not being considered as the District is limited in its ability to restrict the use of individually owned multi-family dwelling units to rental only. However, the District will continue to implement the Strata Rental Protection Policy for multi-family strata developments that undergo the rezoning process, thereby ensuring owners have opportunity to rent their units for periods of 30 days or longer.

Approach 1: Use RRTZ to preserve existing market rental housing sites on a case-by-case basis

Of the 2,286 approved market rental units noted above, staff estimate that approximately 2,000 of those units are occupied and contained within 42 properties. Most of these properties were developed prior to 1975, and many of the older buildings have no form of rental protection. Since the adoption of the OCP, staff have protected new rental housing in perpetuity through housing agreements. However, some are protected by BC Housing for 10 years, and, in one circumstance, protected for 20 years through housing agreements. These properties are also at risk of



Example of an existing market rental building built prior to 1975

being converted to strata ownership when the rental protection period expires.

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Attachment 2 is a map that shows existing (occupied) purpose-built market rental properties in the District and their levels of rental protection. The map includes only properties with five or more rental units and excludes seniors and disability care housing.

Existing social and supportive rental housing has generally been protected through existing housing agreements, lease agreements, and/or partnerships with government and non-profit housing operators. Therefore, they are not included in this approach.

Residential rental tenure zoning could be used on a case-by-case basis to help preserve the existing rental tenure of existing purpose-built market rental properties that have time-limited or no rental protection.

Three BC municipalities have undertaken a similar approach to protect their existing market rental housing stock:

- Squamish rezoned 12 existing non-strata rental properties;
- Richmond rezoned 60 non-strata rental properties, including market, non-market, and co-operative housing; and
- New Westminster rezoned six existing strata market rental properties and 12 cityowned properties. For the six strata properties, the rezoning bylaws were challenged by the property owners; however, the bylaws were upheld in the BC Supreme Court in March 2021.

Table 2, below, outlines some of the potential benefits and impacts of this approach to use residential rental tenure zoning to preserve existing multi-family market rental housing.

Table 2: Approach 1 considerations

Potential Benefits Potential Impacts Secures rental tenure of existing market rental Impacts to land values and ability of property sites that do not have long-term rental protection owners to make major improvements or repairs Ensures replacement of rental units should a site Impacts on the viability of future redevelopment redevelop under a development permit only (i.e., are uncertain (economic analysis required) where a rezoning process would not be required) District-initiated rezoning may have unintended Could be implemented through a District-initiated consequences, either incentivizing or deterring rezoning process development District-initiated rezoning to secure rental tenure on existing sites could be perceived as premature (e.g., where there is no intent to redevelop) and duplicative (e.g., for sites that may undertake a future rezoning or have existing rental protection)

This approach could be explored further as follows:

- Complete an economic analysis to understand potential impacts on affected properties;
- Identify priority sites where RRTZ could be most effective. Focus could be on sites
 that are currently unprotected and could be redeveloped without a rezoning process
 (in which case Council would be unable to influence the replacement of rental units);

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- Review the District's current rental replacement policy and approach for rezoning applications and consider possible improvements; and
- Engage with property owners, community members, and stakeholders to discuss the potential benefits and impacts of this approach.

Approach 2: Use RRTZ with housing agreements to enhance the protection of new multifamily rental housing

The District has successfully secured new purpose-built rental housing over the past decade. These units have been secured with housing agreements that protect the rental units in perpetuity. For example, the Seymour Estates project at 902-968 Lytton Street, which was approved by Council in 2021, contained a housing agreement to secure 56 market rental units and 33 social rental housing units in perpetuity.

Housing agreements are the District's strongest tool as they run with the land and cannot be discharged from a property's title until the rental protection period and agreement conditions are fulfilled or without consent of the District, even when there's a change in ownership, a building is demolished, or the applicable legislation is changed by a future Provincial government. They are also a flexible tool that can secure affordable rental rates along with a specified rent structure which includes tenant eligibility criteria and annual rent increases. At present, the only way for



Rendering of one building from Seymour Estates project, 902-968 Lytton Street

municipalities in BC to require rental units at a specified rent level is pursuant to a housing agreement negotiated as part of a rezoning.

Another approach is to use residential rental tenure zoning to enhance protection of new multi-family rental housing. This could be done on a case-by-case basis for rezoning applications with market, social, and supportive rental housing. Housing agreements would remain necessary to secure specific conditions as noted above. In essence, both tools would work together and provide an enhanced layer of protection.

This approach is similar to those being undertaken by four BC municipalities, including West Vancouver, Richmond, Ladysmith, and Victoria. Each of these municipalities applies RRTZ in conjunction with housing agreements.

Table 3, below, outlines some of the benefits and potential impacts of this approach.

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Table 3: Approach 2 considerations

Potential Benefits

- RRTZ would provide an additional layer of rental protection through zoning (e.g., in addition to the housing agreement)
- Locates the rental requirement within the Zoning Bylaw which enhances visibility
- Relatively straightforward to implement

Potential Impacts

 May be redundant to housing agreements and introduce unnecessary regulatory complexity

This approach could be explored further as follows:

- Draft a Zoning Bylaw definition(s) for residential rental tenure zoning;
- Further investigate the benefit of this approach and assess the value of combining RRTZ with a housing agreement; and
- Identify a framework for incorporating RRTZ into rezoning bylaws (e.g., develop tableready zones, or integrate into new comprehensive development zones).

Approach 3: Use RRTZ in conjunction with new housing policy that requires rental in new multi-family housing

Currently, the District negotiates the provision of new rental housing on a case-by-case basis through the rezoning process. This has resulted in many new rental housing projects approved over the past decade. While successful, our current approach to the provision of rental housing would benefit from a more formalized rental housing policy that establishes consistent and clear objectives for rental housing. Such a policy would complement the OCP, strengthen the Rental and Affordable Housing Strategy, and help address gaps identified in the Housing Needs Reports.



Photo of recently completed market rental building, 2670 Library Lane

Sometimes referred to as an "inclusionary housing policy", this policy could:

- Establish recommended minimum percentage of rental units (e.g., market, social, and supportive rental housing) that should be provided in a residential development;
- Recommend a target unit mix (e.g., percentage of different bedroom sizes);
- Establish recommended target maximum rent levels; and
- Establish guidelines relating to tenant eligibility.

Table 4, below, outlines some of the benefits and potential impacts of a new rental housing policy. With such a policy in place, additional opportunities for using RRTZ may present themselves in relation to the implementation of the policy.

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Table 4: Approach 3 considerations

Potential Benefits	Potential Impacts	
 New housing policy would clarify expectations for rental housing in new rezoning applications 	 Development of new housing policy would result in a longer time-frame for implementation 	
 May ensure a reliable stream of new rental units over time 	 Policy recommendations and guidelines may have unintended consequences, such as impacts to project viability 	
	 Provision of a density bonus may be needed for project viability (economic analysis required) 	
	 Impacts to collection of community amenity contributions that are needed to fund municipal services and amenities 	

The development of new rental housing policy could be explored further as follows:

- Assess the financial viability of requiring rental units within new multi-family developments (this work is underway);
- As part of the above, assess how a rental housing requirement may affect the collection of contributions that are needed to fund municipal services and amenities;
- Identify where rental housing would be most appropriate (e.g., across all multi-family areas or in specific areas such as Town and Village Centres); and
- Engage with community members and stakeholders to discuss the potential benefits and impacts of this approach.

Concurrence:

The information and approaches to residential rental tenure zoning described in this report have been reviewed by the District's municipal solicitor and Development Planning department.

Conclusion:

Residential rental tenure zoning (RRTZ) is a tool that the District could use to embellish existing tools that preserve and increase the supply of rental housing in the community. The information presented in this report is intended to support further discussion on the topic and potential next steps.

Options:

1. THAT the June 23, 2022 report of the Community Planner and Housing Planner entitled Residential Rental Tenure Zoning Approaches is received for information;

OR

THAT alternative direction is provided to staff.

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Respectfully submitted,

Jessica Lee

Community Planner

Emme Lee

Housing Planner

Attachment 1: Municipal Scan of Approaches to Residential Tenure Zoning

Attachment 2: Map of Existing Multi-Family Market Rental Properties

Attachment 3: Presentation

	REVIEWED WITH:	H 31
□ Community Planning □ Development Planning □ Development Engineering □ Utilities □ Engineering Operations □ Parks □ Environment □ Facilities □ Human Resources □ Review and Compliance □ Climate and Biodiversity	Clerk's Office Communications Finance Fire Services ITS Solicitor GIS Real Estate Pylaw Services Planning	External Agencies: Library Board NS Health RCMP NVRC Museum & Arch. Other:

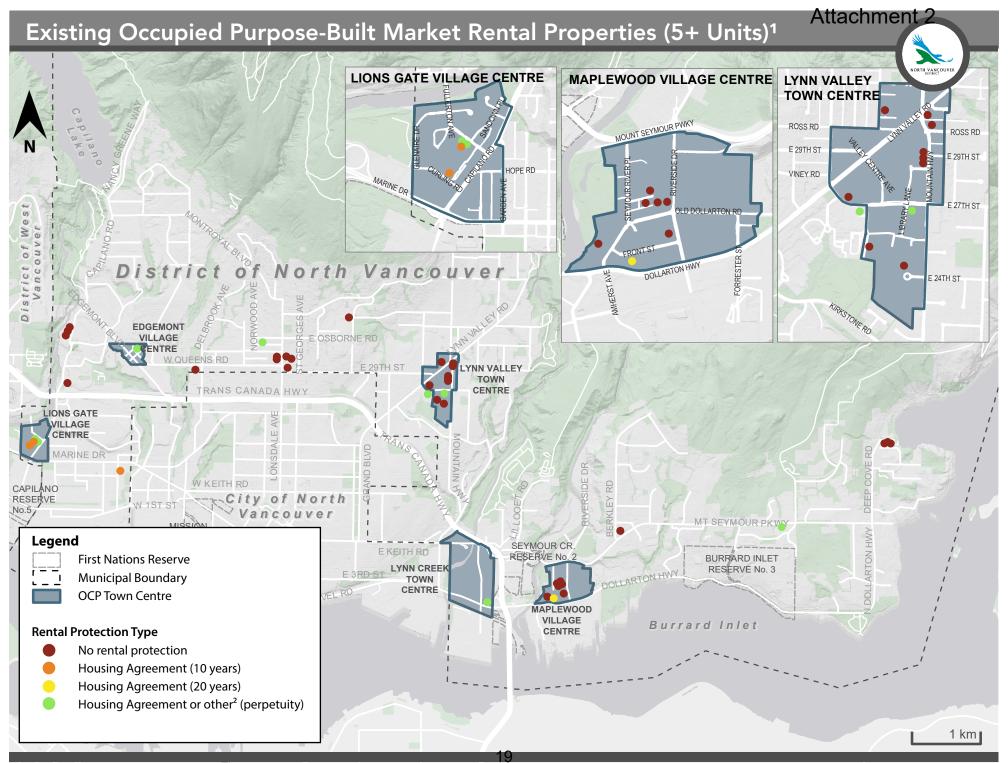


Municipal Scan of Approaches to Residential Rental Tenure Zoning and Related Policy (as of June 2022)

Municipality	Approach to Residential Rental Tenure Zoning (RRTZ)		
North Vancouver (City)	No approach identified to date		
West Vancouver	 Amended the CD3 zone (Rodgers Creek) to secure residential rental tenure of 2 rental units on certain lots, in conjunction with a density bonus and a 10-year housing agreement. (February 2020) Applied RRTZ to one District-owned site (2195 Gordon Ave) to secure rental units conjunction with a housing agreement. (July 2020) 		
Vancouver	 Amended C-2 zoning districts to allow six-storey buildings where all dwelling units are secured as residential rental tenure. (January 2022) Adopted three new rental zoning districts (RR-1, RR-2, RR-3) for use in rental housing rezoning applications. (January 2022) 		
Burnaby	 Adopted rental zoning sub-districts within RM, C, and P districts, denoted by "r", to simplify rezoning process. (December 2018) Adopted the Rental Use Zoning Policy to implement new rental only zoning sub-districts: (May 2019, updated February 2020) Require 20% of units to be below-market rental units in new multi-family developments in certain zones and areas. Rental units must be replaced on a 1:1 basis. All rental properties with five or more purpose built rental units that are currently zoned RM, C, or P districts will be rezoned to the corresponding "r" zoning district (City-initiated rezoning). Initiated policy review of Rental Use Zoning Policy in May 2022. 		
Richmond	 Applies RRTZ to new multi-family rezoning applications that include rental housing, in conjunction with housing agreements. (April 2021) Amended zoning for 60 existing purpose-built, non-strata rental sites (market, non-market, and co-ops) to secure residential rental tenure. (February 2022) Proposed a 10% market rental requirement in all new multi-family development with 60 or more units, with a minor density bonus, and if secured as residential rental tenure. (Referred back to staff October 12, 2021) 		
New Westminster	 Amended zoning on 18 properties to secure residential rental tenure (June 2019): Six existing strata apartment buildings operating as rental, and 12 city-owned properties. Property owners challenged the bylaw in BC Supreme Court. The court upheld the bylaw. (March 2021) 		
Squamish	 Amended zoning of 12 existing purpose-built, non-strata rental buildings that have six or more units to secure residential rental tenure. (September 2019) Adopted OCP policy to consider additional density or height for future rezoning applications involving the 12 affected rental properties. (September 2019) 		
Victoria	Applies RRTZ to new multi-family rezoning applications that include rental housing, in conjunction with housing agreements. (March 2019)		
Ladysmith	Applied RRTZ to one privately-owned site to secure rental units in conjunction with a housing agreement. (March 2019)		
Kelowna	 Adopted rental sub-zone (RMr) within eight major urban residential zones, requiring all multiple dwelling units to be rental. (April 2020) 		

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Residential Rental Tenure Zoning Approaches

Council Workshop July 11, 2022



Residential Rental Tenure Zoning (RRTZ)

Background: In May 2018, the *Local Government Act* was amended to grant local governments the authority to zone for residential rental tenure

Intention: Provide local governments with a greater ability to preserve and increase the supply of rental housing





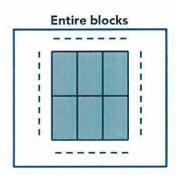
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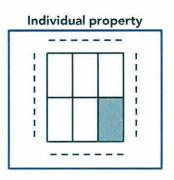
Residential Rental Tenure Zoning (RRTZ)

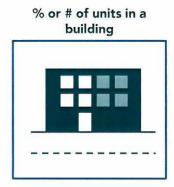
Where multi-family uses are permitted, local governments can now enact zoning bylaws that:

- ensure existing areas of rental housing are preserved as rental
- require new housing to be developed as rental units
- set different rules to restrict the form of tenure for:











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Limitations to RRTZ

Residential rental tenure zoning has limitations in what it can regulate:

- **⊗** Cannot specify affordable rental rates
- Cannot secure tenant eligibility criteria
- Cannot specify annual rent increases
- Cannot prescribe unit mixes
- Does not prevent tenant displacement





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Existing Policy & Reports





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Possible Approaches

Approach 1

Use RRTZ to preserve existing market rental housing sites on a case-by-case basis



Approach 2

Use RRTZ with housing agreements to enhance the protection of new multi-family rental housing



Approach 3

Use RRTZ in conjunction with new housing policy that requires rental in new multi-family housing





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Approach 1 Use RRTZ to preserve existing market rental housing sites on a case-by-base basis

Residential rental tenure zoning could be used on a case-by-case basis to preserve rental tenure of **existing market rental housing** that have limited to no rental protection.



Potential Benefits

- Secures rental tenure of existing sites
- Ensures rental replacement if redevelopment happens without rezoning
- District-initiated rezoning process

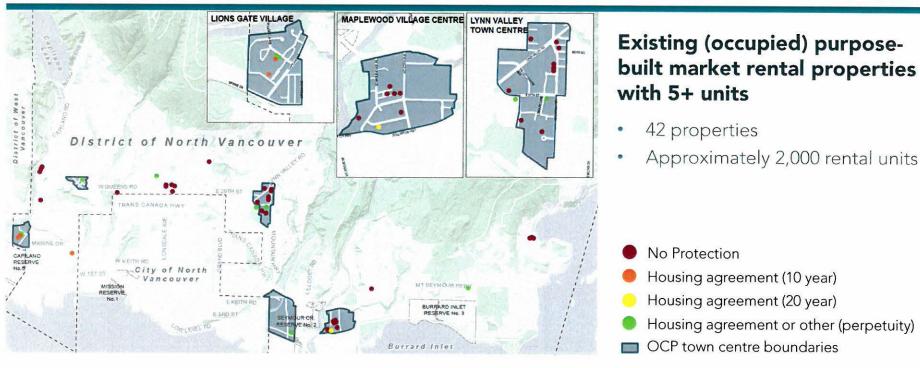
Potential Impacts

- Impacts to land values
- Impacts to viability of future redevelopment and major renovations
- 2 Unintended consequence on development
- May be premature and duplicative



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Approach 1 Use RRTZ to preserve existing market rental housing sites on a case-by-base basis



Approximately 2,000 rental units

- Housing agreement (10 year)
- Housing agreement (20 year)
- Housing agreement or other (perpetuity)
- OCP town centre boundaries



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Approach 1 Use RRTZ to preserve existing market rental housing sites on a case-by-base basis

Existing (occupied) purpose-built market rental properties with 5+ units

Distribution by rental protection type:

No protection

10 year
housing agreement

20 year
housing agreement or other in perpetuity

72% of existing market rental units have time-limited to no rental protection

28% of existing market rental units have long-term rental protection



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Approach 2 Use RRTZ with housing agreements to enhance the protection of new multi-family rental housing

Residential rental tenure zoning could be applied to **new multi-family rezoning proposals** (market, social, and supportive) in tandem with a housing agreement.

Potential Benefits

- Additional layer of rental protection
- Locate rental requirement within the Zoning Bylaw (enhanced visibility)
- Straightforward to implement



Potential Impacts

? May be redundant to housing agreements, introducing unnecessary regulatory complexity



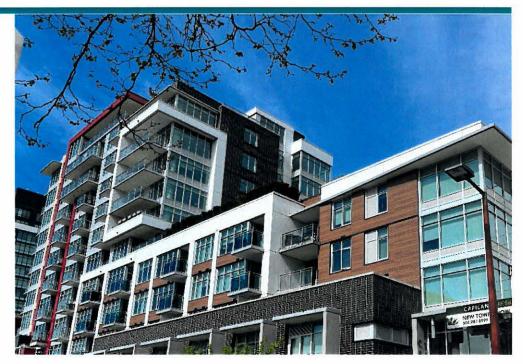
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Approach 2 Use RRTZ with housing agreements to enhance the protection of new multi-family rental housing

Housing agreements

are the strongest tool to secure new rental units approved through rezoning.

- Run with the land
- Secure affordable rental rates
- Secure tenant eligibility criteria
- Specify annual rent increases





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Approach 3 Use RRTZ in conjunction with new housing policy that requires rental in new multi-family housing

Residential rental tenure zoning could be used to implement a more formalized rental housing policy that establishes consistent and clear objectives for rental housing.

A new rental housing policy could:

- Establish minimum % of rental units
- Recommend target unit mix (% of sizes)
- Establish target maximum rents
- Establish guidelines relating to tenant eligibility



1,654

new market, social, and supportive rental housing units approved between 2011 and 2021

(Pace of Development 2021)





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Approach 3 Use RRTZ in conjunction with new housing policy that requires rental in new multi-family housing

Potential Benefits

- Clarify expectations for new rezoning applications
- Create a reliable stream of new rental housing

Potential Impacts

- 2 Longer time-frame for implementation
- Impacts to project viability
- Density bonus may need to be considered
- ? Impacts to collection of community amenity contributions





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Possible Next Steps



FOCUS OF TODAY

Council Workshop to identify priorities or approaches of interest for staff to further explore Timing to be determined



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Discussion

What are the priorities or approaches of interest that Council would like staff to focus on or further explore?

Approach 1

Use RRTZ to preserve existing market rental housing sites on a case-by-case basis



Approach 2

Use RRTZ with housing agreements to enhance the protection of new multi-family rental housing



Approach 3

Use RRTZ in conjunction with new housing policy that requires rental in new multi-family housing





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