

File No. 04-1000-20-2016-294

September 13, 2016

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of August 17, 2016 for:

**Information such as emails, correspondence, briefing notes, or any other materials that led to the creation of the Infill and Conditional Density in RT Zones: Administration in RT-3, RT-4, RT-5, RT-6, RT-7 and RT-8. This includes any written materials from Anita Molaro, Jane Pickering, John Greer, James Boldt, and Hugh McLean. Date range is April 1, 2015 to August 16, 2016.**

All responsive records are attached. Some information in the records has been severed, (blacked out), under s.13(1), s.15(1)(l) and s.22(1) of the Act. You can read or download these sections here:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00)

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2016-294); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at [foi@vancouver.ca](mailto:foi@vancouver.ca) if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'B. Van Fraassen', with a long, sweeping flourish extending to the right.

Barbara J. Van Fraassen, BA  
Director, Access to Information  
*City Clerk's Department, City of Vancouver*

Encl.

:kt



# City of Vancouver *Planning - By-law Administration Bulletins*

Planning and Development Services, 453 West 12th Avenue, Vancouver, BC V5Y 1V4 tel 604.873.7000 fax 604.873.7100  
planning@vancouver.ca

## INFILL AND CONDITIONAL DENSITY IN RT ZONES: ADMINISTRATION IN RT-3, RT-4, RT-5, RT-6, RT-7 AND RT-8

*Authority - Director of Planning*  
*Effective April 1, 2016*

### 1 Introduction

This bulletin clarifies the administration of the RT District Schedules and Guidelines regarding infills and discretionary density being applied to sites not meeting the minimum size or the side yard requirements of the District Schedule or Guidelines. Where sites are located in retention zones, the Director of Planning will rely on existing zoning requirements to fulfill the retention objectives of the area.

The bulletin is limited to the following zones: RT-3, RT-4, RT-5, RT-6, RT-7 and RT-8; other RT zones are not subject to the guidelines outlined herein.

### 2 Background

The Heritage Action Plan (HAP) was adopted in December 2013. A component of the HAP was to incentivize retention by alleviating the requirement for a proforma for additional density up to 10% for those zones where retention incentives are not already in place, i.e. RS zones and some RT zones (see Bulletin Heritage Proforma Review - Interim Policy (<http://former.vancouver.ca/commsvcs/bylaws/BULLETIN/H007.pdf>)). Where sites are located in effective retention zones, the Director of Planning will rely on existing zoning requirements to fulfill the retention objectives of the area.

For RT sites seeking an infill and/or increases in density, applicants should refer to the applicable District Schedule and Guidelines. The criteria for infill eligibility on these sites and discretionary density are summarized further below.

### 3 Synopsis of Retention Zones

**RT-3:** The RT-3 zoning is designed to encourage the retention of its neighbourhood and streetscape character. Within the District Schedule, there is considerable discretion in the regulations to achieve a floor space ratio up to .95 FSR for infill projects. The granting of density beyond 0.95 FSR is not anticipated. If a character house is demolished only the outright FSR will be permitted. The required site area for an infill is 418 m<sup>2</sup>. The site area criteria is expected to be met except that corner sites having a site area of less than 418 m<sup>2</sup> may be considered for an infill if a sensitive response to adjacent sites is demonstrated;

**RT-4 (RT-4, RT-4A, RT-4N and RT-4AN):** The RT-4 zoning encourages the retention of existing residential structures and maintain a family emphasis. The zone has both outright and conditional density at 0.60 FSR. The Director of Planning may consider the HAP incentives for additional 10%, however the Guideline requirements for infill sites will apply. Infills are possible on sites with a minimum adjacent side yard of 4.9 m (16 ft.) [*RT-4 Guidelines Section 3.1.2*]. The Director of Planning may consider varying this criteria if:

- (a) An addition to the existing house overwhelms its heritage character, and
- (b) An infill is suited to its context and does not require the removal of mature trees;

April 2016

**RT-5 (RT-5, RT-5A, RT-5N and RT-5AN):** The RT-5 zoning is designed to encourage the retention of existing character structures by allowing for an increase in floor space ratio from 0.6 to 0.75 FSR. If a character house is demolished only the outright FSR will be permitted. Infills are possible on sites with a minimum adjacent side yard of 4.9 m (16 ft.) [RT-5 Guidelines Section 3.1.2] The Director of Planning may consider varying this criteria if:

- (a) An addition to the existing house overwhelms its heritage character, and
- (b) An infill is suited to its context and does not require the removal of mature trees;

**RT-6:** This neighbourhood is known as the special character merit area of West Mount Pleasant. The established building pattern is large character houses on large lots that are framed by mature trees. The RT-6 zoning is designed to encourage the retention of existing character structures by allowing for an increase in floor space ratio from 0.6 to 0.75 FSR. If a character house is demolished only the outright FSR will be permitted. Infills are possible on sites with a minimum adjacent side yard of 4.9 m (16 ft.) [RT- 6 Guidelines Section 3.1.2] The Director of Planning may consider varying this criteria if:

- (a) An addition to the existing house overwhelms its heritage character, and
- (b) An infill is suited to its context and does not require the removal of mature trees;

**RT-7:** The intent in this zone is to support retention and renovation of existing buildings that maintain the architectural style and building form consistent with the historical character of the area. The RT-7 zoning is designed to encourage the retention of existing character structures by allowing for an increase in floor space ratio from 0.4 to 0.6 FSR, primarily through additions. If a character house is demolished only the outright FSR will be permitted. Infills are possible on sites with a minimum adjacent side yard of 4.9 m (16 ft.) [RT- 7 Guidelines Section 3]. In cases where buildings are on the *Vancouver Heritage Register*<sup>1</sup> (VHR), or strong candidates to be brought on it, the side yard requirement may be reduced to 3.7m. (*Kitsilano RT-7 & RT-8 Guidelines [Section3.1.2 (a) iii]*).

**RT-8:** The intent in this zone, like RT-7, is to support retention and renovation of existing buildings that maintain the architectural style and building form consistent with the character of the area. The RT-8 zoning is designed to encourage the retention of existing character structures by allowing for an increase in floor space ratio from 0.5 to 0.75 FSR, primarily through additions. If a character house is demolished only the outright FSR will be permitted. Infills are possible on sites with a minimum adjacent side yard of 4.9 m (16 ft.) [RT-8 Guidelines Section 3]. In cases where buildings are on the *Vancouver Heritage Register*<sup>1</sup> (VHR), or strong candidates to be brought on it, the side yard requirement may be reduced to 3.7m. (*Kitsilano RT-7 & RT-8 Guidelines [Section3.1.2 (a) iii]*).

#### 4 HAP – Heritage Action Plan Density Considerations

The Director of Planning has the authority to consider density up to 10% beyond what is prescribed in a District Schedule to incentivize the retention of a heritage resource [Section 3.2.5 Zoning & Development By-law]. Where sites are located in retention zones, the Director of Planning will rely on existing zoning requirements to fulfill the retention objectives of the area. Discretionary density is highly conditional and not achievable in all cases. The Director of Planning may reserve approval of discretionary density for the protection of a heritage resource. In general the granting of any discretionary density for an addition is the preferred option on sites not meeting the minimum size or side yard requirements for infills as outlined in the applicable Guidelines.

#### 5 Conclusion

Retention projects need to be reviewed carefully based on their specific merits and rigorous analysis of the context. In some cases, the Director of Planning may consider varying criteria for an infill. In all cases, whether considering an infill on a site that otherwise would not occur, or granting discretionary density, the urban design performance criteria including shadowing, visual scale, privacy, overlook, and compatibility with adjacent sites must always be achieved with excellence and upheld by general support of neighbours and advisory bodies. Staff will continue to monitor and adjust the administration of retention zones as the HAP work continues and evolves.

<sup>1</sup> *Vancouver Heritage Register:* <http://vancouver.ca/docs/planning/vancouver-heritage-register-2011-September-19.pdf>

From: "Vicktor, Ulla"  
 To: "Chan, Patrick" <Patrick.Chan@vancouver.ca>  
 "McLean, Hugh" <hugh.mclean@vancouver.ca>  
 Date: 2/25/2016 2:39:38 PM  
 Subject: RE: Requesting Information about RT Sites and Infills

Address:	s.22(1)										
Zone:	RT-6	RT-3	RT-5	RT-3	RT-10	RT-9	RT-5	RT-8	RT-5	RT-5	RT-7
Side Yards:	5 -6"	15	9	3	14 9"	various	17 approx.	16 proposing 12	18	16	18 ?
	DE	Enq stage	Enq – was not supporttable + enquiry retracted	Enq	Enq	Enq	Enq	Enq	Enq	Enq	Enq

Address:	s.22(1)										
Zone:	RT-8	RT-8	RT-8	RT-5	RT-5	RT-5					
Side Yards:	8 6"	3 -7"	5 -4"	4	10	15 (combined)					
	Enq	Enq – not supporttable + enquiry retracted	Enq – moving towards DE as side yard had been approved in 2013 for HRA	Enq – side yard may be sufficient if combined with the neighboring site s SY	Enq	Enq					

All of these above are utilizing, or plan to utilize, a heritage designation or HRA means to achieving the Infill of sufficient floor area.

Ulla Vicktor, Architect AIBC  
 Development Planner  
 Urban Design Division | Planning and Development Services  
 City of Vancouver  
 Tel. 604.829.4293

From: Chan, Patrick  
 Sent: Thursday, February 25, 2016 12:36 PM  
 To: Ostrander, Ben; Chang, Susan; Black, Sailen; Wiley, Danielle; Lee, David (PDS); MacRae, Sheridan; Potter, Timothy; Vicktor, Ulla; O'Sullivan, Patrick; Cheng, Paul; Linehan, Marie; Olinek, Jason; Lyons, Georgina; Moorey, Allan  
 Cc: Molaro, Anita; D'Agostini, Marco; Boldt, James; McLean, Hugh; Jankovic, Zlatan  
 Subject: Requesting Information about RT Sites and Infills

Hi all,  
 We are doing a review of infills in the RT zones, particular in ones where the zoning already incentivises retention (through additions), but have gotten infills.

- The review criteria area:
- RT sites with side yards that are substantially less than the suggested 16 (e.g. 4 to 8 )
  - Projects (both enquiries and approved) that have sought for infills and extra FSR through heritage designation

Please send any information to us (Hugh and Pat Chan).

Address:	1234 East xxth Street
Zone:	RT-X
Side Yards:	X

Thanks  
 Pat

From: ["Chan, Patrick" <Patrick.Chan@vancouver.ca>](mailto:Patrick.Chan@vancouver.ca)

To: ["PDS PLN Urban Design - DL" <PDSPUDDL@vancouver.ca>](mailto:PDSPUDDL@vancouver.ca)  
["PDS PLN Heritage - DL" <PNHERIT@vancouver.ca>](mailto:PNHERIT@vancouver.ca)

Date: 3/9/2016 4:05:47 PM

Subject: RT + Infill Meeting (2016-03-14)

Hi Everybody,

This is the spreadsheet I started with RT projects that are seeking infills (some despite adequate side yards):

[s.15\(1\)\(l\)](#)

It's for our Monday March 14<sup>th</sup> meeting.

Please add to this spread sheet.

Thanks

Pat

From: ["Chan, Patrick" <Patrick.Chan@vancouver.ca>](mailto:Patrick.Chan@vancouver.ca)

To: ["PDS PLN Urban Design - DL" <PDSPUDDL@vancouver.ca>](mailto:PDSPUDDL@vancouver.ca)

["PDS PLN Heritage - DL" <PNHERIT@vancouver.ca>](mailto:PNHERIT@vancouver.ca)

Date: 3/14/2016 2:36:22 PM

Subject: RT Infills Issues - File Location

Hi all,

This is the location for the spreadsheet:

[s.15\(1\)\(l\)](#)

Cheers

Pat



From: "[Molaro, Anita](mailto:anita.molaro@vancouver.ca)" <[anita.molaro@vancouver.ca](mailto:anita.molaro@vancouver.ca)>  
To: "[Chan, Patrick](mailto:Patrick.Chan@vancouver.ca)" <[Patrick.Chan@vancouver.ca](mailto:Patrick.Chan@vancouver.ca)>  
"[Boldt, James](mailto:james.boldt@vancouver.ca)" <[james.boldt@vancouver.ca](mailto:james.boldt@vancouver.ca)>  
"[McLean, Hugh](mailto:hugh.mclean@vancouver.ca)" <[hugh.mclean@vancouver.ca](mailto:hugh.mclean@vancouver.ca)>  
"[D'Agostini, Marco](mailto:Marco.D'Agostini@vancouver.ca)" <[Marco.D'Agostini@vancouver.ca](mailto:Marco.D'Agostini@vancouver.ca)>  
Date: 3/21/2016 11:32:01 AM  
Subject: RE: Jake Fry's RT Infill sites

FYI

The RT-5 zoning is to encourage the retention of existing residential structures. This is achieved, in part, with the discretionary increase in density from 0.6 FSR to 0.75 FSR where the existing character building is retained. In general this is achieved through sensitive additions to the original house. Infill is permitted as an incentive to retain existing buildings by allowing the construction of a second residential building on appropriate sites. The process of infilling existing yard spaces with additional buildings requires sensitive and creative design. Infill is only one of several development options and is often not the most feasible or practical. In fact, the majority of lots in these districts do not meet the criteria set out in the infill section of the guidelines.

The RT-5 Guidelines specifically describe the requirements for sites for potential infill. (Page 10-11). The rear yard area should be a minimum of 195 m<sup>2</sup>. In cases where the lot is in mid-block, there should also be a side yard adjacent to the existing building with a minimum width of 4.9 m for pedestrian access only and a minimum width of 5.5 m for pedestrian and vehicular access (in the case of sites with no lane access).

Regarding the Heritage Action Plan and provisions for additional 10 % density. I refer you to this document that outlines the proforma exemption process requirements for any additional density up to 10%. This process is intended to facilitate a more streamline processing timeline for smaller projects related to proforma analyses. Furthermore, the tables only refers to the overall permitted density under this process and is not an entitlement to the additional density. This process document does not supersede the base zoning/guideline intent and the Director of Planning is not obligated to support any additional density beyond that prescribed in the zoning. Many RT District Schedules have provisions that already incentivize retention through conditional density increases. The discretionary increase in density prescribed in the zoning is earned through the retention of the existing building, and meeting the zoning and related guidelines.

<http://former.vancouver.ca/commsvcs/bylaws/BULLETIN/H007.pdf>

*I've also included an excerpt below from the June 2014 Council report with regard to the above. There is a general reference to RT zones, as not all RT zones are structured to incentivize retention.*

<http://council.vancouver.ca/20140610/documents/rr1a.pdf>

*Heritage Proforma Review Requirements Action 2 of the HAP directed staff to simplify and streamline approval processes for heritage retention projects. While the more comprehensive review will be undertaken by the consultant, staff are recommending an interim step to exempt heritage proforma for heritage retention projects in RS and RT zones where the bonus density requested is less than or equal to 10% over the density permitted in the zoning for a heritage resource which is to be designated (i.e. protected by a Designation By-law). Generally, this would apply only to retention projects that do not include other variances or relaxations (see Appendix D). Projects seeking additional variances/relaxations or rezonings would still be entertained and would require a proforma review as per current practice. This interim procedure is particularly geared to assist smaller scale retention projects by removing one of the important, but time consuming, steps in the application review process. Applications will still need to meet*



*urban design considerations such as compatibility and neighbourliness. During the interim period, staff will monitor applications and collect information to inform the longer term work on streamlining and simplifying approvals processes.*

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**From:** Chan, Patrick  
**Sent:** Monday, March 21, 2016 11:07 AM  
**To:** Molaro, Anita; Boldt, James; McLean, Hugh; D'Agostini, Marco  
**Subject:** RE: Jake Fry's RT Infill sites

Both Frances' and other project are at enquiry stage.

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**From:** Molaro, Anita  
**Sent:** Monday, March 21, 2016 11:06 AM  
**To:** Chan, Patrick; Boldt, James; McLean, Hugh; D'Agostini, Marco  
**Subject:** RE: Jake Fry's RT Infill sites

Is this at the enquiry stage ?

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**From:** Chan, Patrick  
**Sent:** Monday, March 21, 2016 10:04 AM  
**To:** Molaro, Anita; Boldt, James; McLean, Hugh; D'Agostini, Marco  
**Subject:** Jake Fry's RT Infill sites

Hi all,

Just want to inform that Jake Fry is intending to go to the BoV for s.22(1) infill. He also has another infill down the block from s.22(1) house he plans to go BoV too.

My intention, if I'm called to BoV, is to oppose to the infills based on current zoning and guidelines (the current sideyards of 6' to 7' is less than half of what we require for a clear sightline from the street to the infill in order to give the infill some visual presence).

I will like to get some advice from you guys as to how to respond to BoV questions if they ask why the sudden holdback on infills (based on HRAs and HRA lite) when we have granted them before.

Thanks  
Pat

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**From:** Chan, Patrick  
**Sent:** Tuesday, March 15, 2016 9:18 AM  
**To:** 'Brian Sheehan'  
**Cc:** Brian Morley; Jake Fry; McLean, Hugh; Boldt, James  
**Subject:** RE: Infills for RT sites

Hi Brian,

Thanks for informing us about your client's directions.

With regards to going to the Board of Variance, you will still need to make a full DE application and we will have to review it and make our recommendations in the form of the prior-tos.

Thanks  
Pat

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**From:** Brian Sheehan [<mailto:bsheehan@smallworks.ca>]  
**Sent:** Tuesday, March 15, 2016 8:49 AM

**To:** Chan, Patrick  
**Cc:** Brian Morley; Jake Fry  
**Subject:** Re: Infills for RT sites

Hi Pat

Thank you for your email and the information below. With the two current infill clients that we have discussed with you what we would like to do is go to the Board of Variance. Are you able to issue us with a Prior 2 notice for each project so we can start our process with the BOV ?

I look forward to your reply.

Cheers  
Brian

**Brian Sheehan**  
Senior Designer

office: 604.264.8837 ext. 157

fax: 604.264.8872

[bsheehan@smallworks.ca](mailto:bsheehan@smallworks.ca)

[www.smallworks.ca](http://www.smallworks.ca)



On 2016-03-14, at 2:47 PM, "Chan, Patrick" <[Patrick.Chan@vancouver.ca](mailto:Patrick.Chan@vancouver.ca)> wrote:

Hi Brian,

Our senior staff have discussed the issue of infills in RT zones that already incentivize retention of character homes. The current view is that infills should only be permitted if the site satisfies the guidelines (adequate sideyards, lot area, distance between main and infill houses, etc). Furthermore, the additional 10% floor-area (via designation) can only be granted if the existing house is exceptional quality/character. The aim is to work within the 0.75FSR.

So with regards to the two infill projects, at present, we cannot support infills and would encourage additions to the rear of the houses.

Thanks  
Pat

Patrick Foong Chan, PhD  
Planning + Development Services  
City of Vancouver  
[patrick.chan@vancouver.ca](mailto:patrick.chan@vancouver.ca) | 604-873-7388

From: "[Boldt, James](mailto:james.boldt@vancouver.ca)" <james.boldt@vancouver.ca>  
To: "[Molaro, Anita](mailto:anita.molaro@vancouver.ca)" <anita.molaro@vancouver.ca>  
Date: 5/30/2016 10:28:23 AM  
Subject: RE: RT Bulletin - AM edits

“ATTACHED PARKING GARAGE LAYOUT IN RT ZONES WITH NO LANE”

I don't see anything on the heritage 10% thing ....? Unless I'm just not seeing it...

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**From:** Molaro, Anita  
**Sent:** Monday, May 30, 2016 9:43 AM  
**To:** PDS PLN Urban Design - DL  
**Subject:** FW: RT Bulletin - AM edits

please note the RT bulletin is now on the web

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**From:** Rowlands, Hayley  
**Sent:** Monday, May 30, 2016 8:38 AM  
**To:** Molaro, Anita  
**Cc:** Burpee, Heather; Straka, Alena  
**Subject:** RE: RT Bulletin - AM edits

Hi Anita,

The RT Bulletin is now posted to the web - <http://vancouver.ca/home-property-development/zoning-by-law-administrative-bulletins.aspx>

Regards,

Hayley

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**From:** Straka, Alena  
**Sent:** Thursday, May 26, 2016 8:58 AM  
**To:** Rowlands, Hayley  
**Cc:** Burpee, Heather; Molaro, Anita  
**Subject:** FW: RT Bulletin - AM edits

Hi Hayley,

Could you please send IT a request to put this up on the “Zoning By-law administrative bulletins” webpage under the heading “RT Administration Bulletins”? Also, please advise Anita when this is done. Thank you,

Alena

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**From:** Molaro, Anita  
**Sent:** Wednesday, May 25, 2016 5:03 PM  
**To:** Straka, Alena; Burpee, Heather  
**Subject:** RT Bulletin - AM edits

Hi Alena and Heather,

This Bulletin has been signed off by Jane – can you please arrange to have it put on the web. Please let me know when that is done.

thanks

Anita



From: "[Boldt, James](mailto:james.boldt@vancouver.ca)" <james.boldt@vancouver.ca>

To: "[McLean, Hugh](mailto:hugh.mclean@vancouver.ca)" <hugh.mclean@vancouver.ca>

["D'Agostini, Marco"](mailto:Marco.D'Agostini@vancouver.ca) <Marco.D'Agostini@vancouver.ca>

Date: 4/12/2016 9:47:38 AM

Subject: RE: RT Zones Bulletin

Thanks Hugh – a couple comments below in red:

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**From:** McLean, Hugh

**Sent:** Tuesday, April 12, 2016 9:27 AM

**To:** D'Agostini, Marco

**Cc:** Boldt, James; Jankovic, Zlatan

**Subject:** RT Zones Bulletin

Hi Marco,

Ulla informed me yesterday that Tim is working on a bulletin to serve as direction on how to approach any inquiries for infill in RT zones.

Further to our last group meeting where I raised concern over our group not having any input to such a bulletin **maybe that's a good thing! J** , I have the following input that I wish to have passed along, and for further discussion.

Here is the draft set of conditions that I would consider important when evaluating the worthiness of an infill:

s.13(1)



Hugh

Hugh McLean, MCIP RPP  
Heritage Group, Urban Design Division  
Planning and Development Services  
City of Vancouver  
453 West 12<sup>th</sup> Avenue  
Vancouver, BC V5Y 1V4



[hugh.mclean@vancouver.ca](mailto:hugh.mclean@vancouver.ca)