

File No.: 04-1000-20-2019-289

June 13, 2019

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 May 1, 2019 for:

All feedback received, including letters, petitions, etc. during the notification period related to DP-2019-00042, 1807 Burrard Street - Unit #104, from March 27, 2019 to May 1, 2019.

All responsive records are attached. Some information in the records has been severed, (blacked out), under s.22(1) of the Act. You can read or download this section here: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

Under section 52 of the Act, and within 30 business days of receipt of this letter, you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your FOI request by writing to: Office of the Information & Privacy Commissioner, 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 (#04-1000-20-2019-289); 2) a copy of this letter; 3) a copy of your original request; and 4) detailed reasons why you are seeking the review.

Yours truly,



Barbara J. Van Fraassen, BA
Director, Access to Information & Privacy

Barbara.vanfraassen@vancouver.ca
453 W. 12th Avenue Vancouver BC V5Y 1V4

*If you have any questions, please email us at foi@vancouver.ca and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

:pm

From: s.22(1)
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R12
Date: Thursday, April 04, 2019 12:27:12 PM

Dear Mr. Profili,

My name s.22(1), and I am one of the s.22(1)

s.22(1)

I am writing to voice my concerns with the development application we have received for 1807 Burrard Street, with which s.22(1). We have had nothing but problems with the current Weeds store, and oppose the application together with the expanded operating hours. In addition to their customers s.22(1) smoking their purchases. s.22(1) which is absolutely

s.22(1) In addition to the issues created by their customers, we also s.22(1). Some people think that the store might throw out product that they can use, so whenever their garbage is left unlocked, it is removed from the bins and s.22(1)

s.22(1)

I am attaching three photos s.22(1)

s.22(1)

well prepared to clean up s.22(1) I understand the legality of the operation, but it unfortunately attracts an unwanted group of people to the area, who do not respect the surrounding neighbors. I expect that the people who truly need the product do not need to be buying it later at night, and if anything, the hours should be reduced.

There are several cannabis stores two blocks away in the 1800 block of fourth avenue, which is more of a commercial area, and already seems excessive. Other than this narrow commercial strip on the west side of Burrard, most neighbors are single family homes and apartment buildings, many with children. I don't see why we need this type of retailer in this location. I don't know the laws and regulations, but why would it be allowed three blocks from an elementary school and across the lane from a probation office?

Again, we oppose this application, and the presence of this store to begin with.

Thank-you for your consideration.

s.22(1)

This email and any attachments to it are intended solely for the use of individual(s) to whom they are addressed, are confidential, and may be privileged. If you are not the intended recipient, please notify the sender immediately and delete this email and any attachments to it from your system. Any other action or use of this email by you is strictly prohibited.

From: s.22(1)
To: Profili, Cody
Subject: Re: (DP-2019-00042)_1807 Burrard St #104 R4
Date: Monday, April 01, 2019 11:10:31 AM

Thank you so much for getting back to me so quickly. My address s.22(1)
s.22(1) I really appreciate your attention to this serious problem we are having here. I worry about the children s.22(1) for many reasons. The proximity to a pot shop is detrimental to their physical and mental health.
Sincerely, s.22(1)

Sent from my iPad

On Apr 1, 2019, at 9:32 AM, Profili, Cody <Cody.Profili@vancouver.ca> wrote:

Hello s.22(1)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

If you are replying to the postcard, it would be appreciated if you could provide your address to help me record your concerns. Please note that this information is kept entirely confidential, and only used to help assess your proximity and how you may be uniquely affected by the development.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) "not permitted" category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link "<https://vancouver.ca/your-government/board-of-variance.aspx>"

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We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av

cody.profil@vancouver.ca

From: s.22(1)
Sent: Sunday, March 31, 2019 12:33 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R4

I'm writing to protest the Notice of Development Application For the Weeds shop at 1807 Burrard Street. s.22(1) constantly inundated with pot smokers who make their purchase and go to the closest possible place to smoke. This also encourages drugs as well. We find needles and human waste on a regular basis. The stench of the pot s.22(1) s.22(1) and there are several people who are allergic to this smoke. We have s.22(1) but the people from Weeds don't seem to care. s.22(1) s.22(1) We also have many children who live here and they can no longer play s.22(1) because of the possibility of picking up syringes. We were hoping that with the regulation of pot shops that this particular shop would move on to a more practical location. I am absolutely against this application and hope you will consider that.
Thank you so much, s.22(1)

Our fears are traitors, and make us lose the good we oft might win, by fearing to attempt."
Shakespeare, Measure for Measure

<ref_DistrSched_C-3A.PDF>

<ref_ZD bylaw_Section 11.pdf>

<ref_Cannabis Guidelines.pdf>

From: s.22(1)
To: Profili, Cody
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R1
Date: Tuesday, April 02, 2019 8:09:48 PM
Attachments: 150610 to Mayor Gregor Robertson re Weeds.pdf
180927 to CoV re Weeds.pdf

Hi Cody,

Thank-you for the reply. We had a lovely sunny weekend, and with it came the s.22(1)
s.22(1)

I phoned the City 311 line to report this nuisance also, for what it's worth. The reference number is s.22(1)

I had a look in my files, and I did also submit a complaint when Weeds first opened in 2013 – that is reference number s.22(1)

Also for your file, I've attached copies of the 2015 and 2018 letters that I wrote to the City.

Regards,
s.22(1)

From: Profili, Cody [mailto:Cody.Profil@vancouver.ca]
Sent: March 28, 2019 11:16 AM
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R1

Hello s.22(1),

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

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revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In response to your other questions:

- The project is not up on the devapps website yet since the applicant just verified the installation yesterday, so we should get the application up on the website and postcards sent out to the neighbourhood shortly (by the end of the day)
- The notification period is set for 2 weeks, with deadline for comments by April 12th
- Approximate date for decision is April 22nd, and as noted above I will notify you as soon as possible following decision

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profil@vancouver.ca

From s.22(1)
Sent: Wednesday, March 27, 2019 10:33 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R1

Hello Mr. Profili,

I saw the Development Application notice board outside of 104 – 1807 Burrard Street, for the Weeds store's application for a cannabis business license.

I looked on the Vancouver.ca/devapps website noted on the board, but could not see this application DP-2019-00042.

s.22(1)

s.22(1)

I am writing as a neighbour to strongly object to the city granting a license to this terrible establishment.

I objected to the city allowing this illegal establishment to open in 2015. I wrote to Mayor Gregor Robertson on June 10 of that year and never received a reply. I also wrote again to the City of Vancouver Business Licensing on September 30, 2018, and again never received a reply.

The Weeds store is a nuisance, the staff and owners are bad neighbours, and the clientele are undesirable in our residential neighbourhood.

1. The store stinks. Whenever there is an easterly wind s.22(1)
s.22(1) I cannot stand the stench caused

by their product.

2. Their disreputable clientele s.22(1)
s.22(1) Not only is this disgusting, but the s.22(1)
s.22(1) and I don't like that my children have to encounter this when they play outside.
s.22(1)
s.22(1)
3. On several occasions s.22(1)
s.22(1) also smoking. s.22(1)
4. Typically late in the day the staff stand around outside the back door of their shop smoking bong and joints, with blatant contempt for the city bylaw prohibiting smoking within 6m of a window or door.
5. The staff s.22(1), and frequently it fills up with their drinks bottles after only a couple days, creating a further nuisance
s.22(1)
s.22(1)
6. Weeds does not take care of their storefront... they have not cleaned the graffiti off the wall by their bins, and they leave their dumpster open inviting binners, and frequently there accumulates stinking piles of refuse outside their complex that they never pick up. It is an eyesore and health hazard. The garbage also gets blown down the alley creating an even worse problem. Neighbours s.22(1)
s.22(1) in order to keep our neighbourhood clean and respectable.
7. They have been using the store as a pot café... s.22(1)
and observed a group of people in the shop smoking their bong. If I wanted to live in the red-light district of Amsterdam I would have moved there... I did not, and this establishment has no business in my neighbourhood.
8. As I pointed out in my 2018 letter, the property boundary of s.22(1) Hudson Elementary) is 290m horizontal distance from the front door of the weeds shop. I understand that the City Zoning and Development Bylaw requires establishments such as this to be 300m away from the nearest school, and so by the City's own rules Weeds should be denied a business permit.
9. Allowing this development will negatively impact my property value.

I am extremely distressed at the prospect of this store becoming a permanent fixture, and ask that the City reject the permit application. This establishment has no business being in a residential neighbourhood, and it lowers the tone.

I would like for you to confirm that you have received this email. Please also can you tell me the next steps of this process – how long do we have to get comments in? Will I get specific answers to my complaints? How will the city compensate me if this development proceeds? When will the decision be made?

Thank-you,

s.22(1)



June 10, 2015

Mayor Gregor Robertson
Vancouver City Hall
453 West 12th Avenue
Vancouver, BC, V5Y 1V4

COPY

Dear Mayor Robertson,

Re: 'Weeds' Marijuana Store at Burrard St. and 2nd Ave

My name s.22(1) Weeds
marijuana store that is located on Burrard Street, near 2nd Avenue. s.22(1)
s.22(1) I work full-time and pay property taxes, s.22(1)
s.22(1)

When the Weeds store opened late November 2013, the City of Vancouver provided no notice to neighbours that such an establishment was being permitted. We are upset about this, and object to the way an illegal storefront s.22(1).

When I learned of what the new shop was to be, I phoned the City of Vancouver 311 information line and asked to speak with someone about the establishment, as I saw it as a concern for residents like me. The city provided me with a reference number, s.22(1) and told me that a city inspector would follow-up, but I never heard back. Why did the City not follow-up with my original complaint? Is this illegal storefront worth more than my contributions to the community?

s.22(1) Weeds store. s.22(1)
s.22(1) and we
take great joy in s.22(1) well stocked.

Since the opening of the Weeds shop, we frequently s.22(1)
s.22(1) All through last summer s.22(1)
s.22(1) We do not like this, for several reasons... first, we find the loitering rude,
inconsiderate, and an invasion of our privacy; second, the second-hand smoke is unhealthy and
obnoxious; third, s.22(1)
s.22(1) and finally, and most importantly, we don't like that s.22(1)
are exposed to the smell of illegal drugs s.22(1) nor
that they have to see people partaking in an activity that we as responsible parents are trying to steer
them away from.

That the store is considered to be of a 'medical' nature is a joke. I've walked past when signs have been posted in the window 'edibles for sale', and with all the paraphernalia on display it looks more like a hobby shop than a pharmacy. s.22(1)

s.22(1)

s.22(1)

s.22(1) If the drugs are being sold as medicine, then they should be sold at a licensed pharmacy and taken in private, not advertised in fun-looking shop-fronts all over the city and smoked in public for all the world to see.

The Weeds store degrades our neighbourhood. It is illegal, yet the City of Vancouver Police who frequent the coffee shop adjacent do nothing about it. The Weeds shop brings unwelcome activity

s.22(1) The smoke is unhealthy, and I firmly believe that marijuana use would not improve our lives, even if we were ill. I don't see why the City should promote drug use in the way it is.

I ask that the City cancel the illegal business license of this Weeds store.

I'll look forward to your positive action in this matter, and will await your reply.

Regards,

s.22(1)

30 September 2018

City of Vancouver
Business Licensing
Vancouver City Hall
453 West 12th Avenue
Vancouver, BC, V5Y 1V4

COPY

Dear Sir or Madam,

Re: 'Weeds' Marijuana Store at Burrard Street and 2nd Ave – Impact to Neighbours

My name s.22(1) Weeds marijuana store that is located on Burrard Street, near 2nd Avenue. I previously wrote to the city in November of 2013 when this store opened, and again in 2015 to Mayor Gregor Robertson, both times to voice my opposition to this establishment. I am writing now because of the impending federal legalization of cannabis. I am writing to ask that the City not grant a permanent business license to the Weeds store.

This marijuana establishment has had a definite negative impact on our enjoyment of our neighborhood. s.22(1)

s.22(1) If you look on Google Street View in the alley between Weeds s.22(1) s.22(1) Since the Weeds store has opened we have had no end of potheads s.22(1) s.22(1). The potheads s.22(1) garbage, including empty beer cans, butts of their joints, little plastic bags in which the weed was presumably sold, and food wrappers. s.22(1) smoke elsewhere, and at least weekly, and more often in the summer, s.22(1) s.22(1) to which on two occasions s.22(1) The Weeds shop has encouraged antisocial behavior s.22(1) s.22(1) and it is rude and disgusting.

s.22(1) s.22(1) s.22(1) frequent the alley asking them to move along. This is not just a problem s.22(1) and presumably for the house s.22(1) s.22(1) This is a safe, family neighbourhood with a good community of neighbours who know each other well. We are appalled that this place is routinely being made dirty, polluted and unsafe by the habits of the people who frequent the Weeds store.

What is even worse is that the staff of the Weeds store also regularly smoke their product in the alley. They smoke outside of their fire exit door, and they too have been found wandering over s.22(1) s.22(1) because it is nice. s.22(1) they

continue anyway. The Weeds staff also routinely allow excessive garbage to pile up around their garbage bins outside of their establishment, further detracting from the neighbourhood.

I realize that the cannabis legalization is imminent, but that does not mean that I accept it as appropriate. I have spoken s.22(1) warned them against using any drugs, including cannabis. I find it offensive that this sort of establishment has been allowed in a residential area. When the Weeds store opened late November 2013, the City of Vancouver provided no notice to neighbours that this was being allowed. We are upset about this, and object to the way such an undesirable storefront s.22(1) We should not have to endure the invasion of privacy and the nasty skunk second-hand s.22(1)
s.22(1)

I am encouraged that the City's Zoning and Development Bylaw states that cannabis shops will not be allowed within 300 metres of the property line of schools. I will take this opportunity to point out that the front door of Weeds is 290 metres horizontal distance from the Henry Hudson Elementary School property boundary s.22(1) which I have measured from publically available orthophoto maps. In accordance with the City's Bylaw, I ask that this Weeds store be denied a business license.

I'll look forward to your positive action in this matter, and will await your reply.

Regards,

s.22(1)

From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R1
Date: Thursday, March 28, 2019 11:16:00 AM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.pdf](#)

Hello [s.22\(1\)](#)

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Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

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GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
 - 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
 - 11.16.2 The maximum permitted frontage for a site is 15.3 m.
 - 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
 - 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
 - 11.16.5 Live entertainment is not permitted.
 - 11.16.6 Before granting a development permit, the Director of Planning must:
 - (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
 - 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
 - 11.17.1 Before granting a Development Permit, the Director of Planning shall:
 - (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

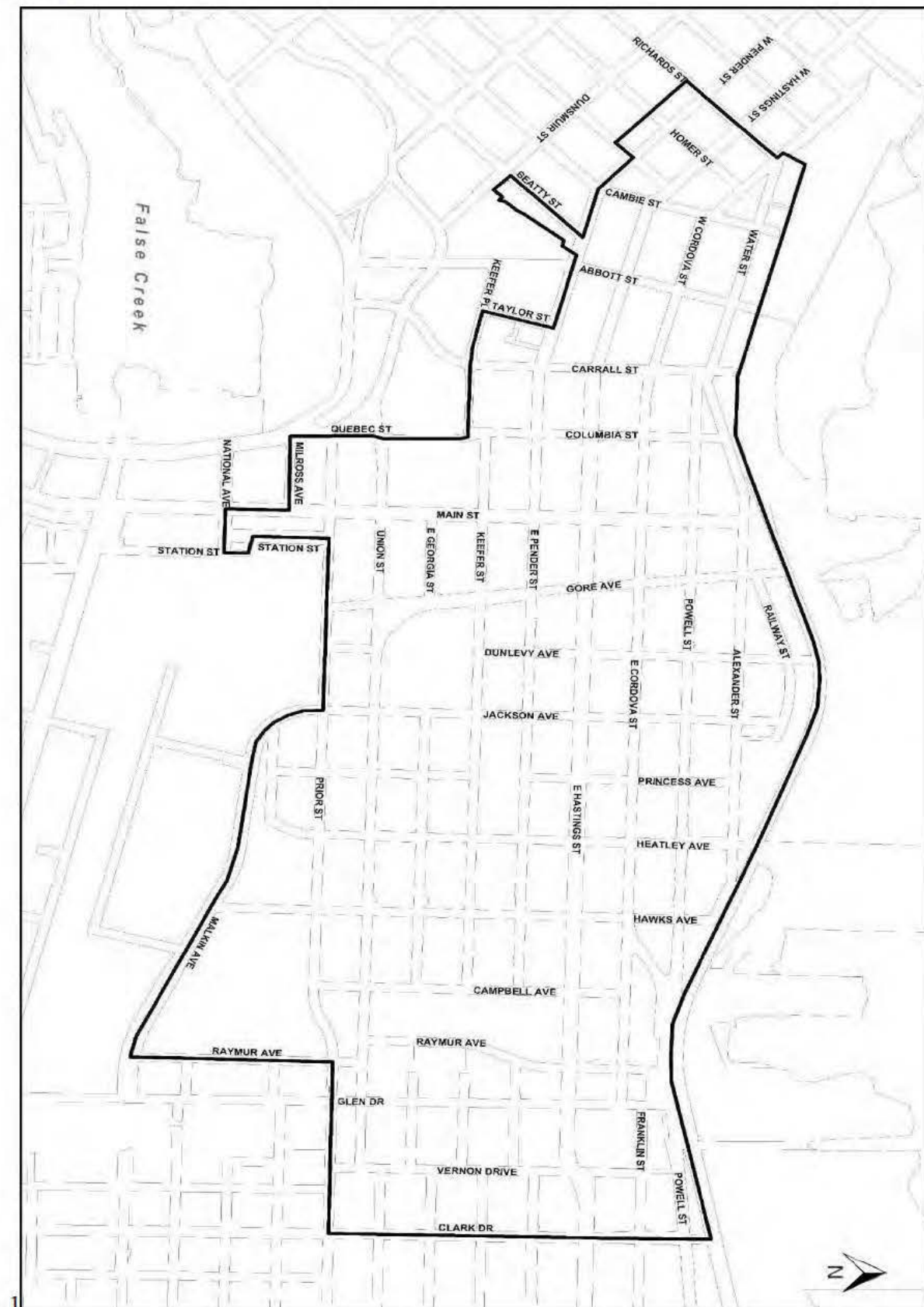
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R2
Date: Monday, April 01, 2019 9:32:00 AM
Attachments: [ref_DistrSched_C-3A.PDF](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_Cannabis Guidelines.pdf](#)

Hello s.22(1),

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) "not permitted" category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link "<https://vancouver.ca/your-government/board-of-variance.aspx>"

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

From: s.22(1)
Sent: Friday, March 29, 2019 10:15 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R2

Hello Mr. Cody Profili,

The s.22(1) received "Notice of Development Application" by mail and

are expressing our concerns of the project. We disapprove of the change of use from retail to retail cannabis store for WEEDS Glass & Gifts.

Best regards,

s 22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
 - (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
 - (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
 - (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
 - (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

1



From: s.22(1)
To: Profili, Cody
Subject: Re: (DP-2019-00042)_1807 Burrard St #104 R3
Date: Monday, April 01, 2019 3:17:20 PM

Hi Cody

Thank you for your response. I am responding to a postcard, my s.22(1) my address is s.22(1)

Thank you for the added information regarding the proposed change of use.

Kindly

s.22(1)

From: Profili, Cody <Cody.Profil@vancouver.ca>
Sent: April 1, 2019 9:32 AM
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R3

Hello s.22(1)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

If you are replying to the postcard, it would be appreciated if you could provide your surname to help me record your concerns. Please note that this information is kept entirely confidential, and only used to help assess your proximity and how you may be uniquely affected by the development.

The proposed change of use is for the retail sale of the product and the business would still be responsible for compliance with other related to smoking in public, loitering or waste disposal. The business hours are something that we can look into to improve this, and if the current situation continues you can contact *311 and open a complaint file that our inspections department will look into.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations.

Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Thank you,

Cody Profili | Project Coordinator – Development Review Branch
CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profil@vancouver.ca

-----Original Message-----

From: s.22(1)
Sent: Sunday, March 31, 2019 11:42 AM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R3

Hello

I am responding to the Notice of Development Application for 1807 Burrard Street, Unit 104.

s.22(1) and am concerned about the operating hours from 9am to 11pm. Since the business has opened, I frequently see people s.22(1) smoking cannabis. Due to the distinctive scent of the herb, it's is unmistakable. If I am correct, the allows the use of cannabis, but smoking in public is or is not? I do not have an issue with cannabis or shops, though I have concern with the patrons and their behaviours outside the shop.

s.22(1) business everyday. I regularly see the shop's patrons loitering in the alley and wandering around, disregarding other roadways users, leading to safety issues. I am concerned that late shop hours and the continuation of such activity into the evening, in dark conditions will exasperate these safety issues.

As well, I am concerned about s.22(1) any hours, from any patrons of businesses in that area. The idea of extended hours concerns me, and the high possibility of loitering continuing in the evening, increase in noise and increase potential of unlawful activity. s.22(1) some increase of various levels of vandalism since the store opened, though unknown if linked to those patrons.

The business is a retail business, in my mind and should have the same retail hours as other business on West 4th Ave.

Kindly,
s.22(1)

From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R5
Date: Monday, April 01, 2019 9:12:00 AM

Thank you for your comments s.22(1), I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions).

Thank you,

Cody Profili | Project Coordinator – Development Review Branch
CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profil@vancouver.ca

-----Original Message-----

From: s.22(1)
Sent: Sunday, March 31, 2019 4:28 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R5

Dear Sir/Madam,

s.22(1) the Weeds store.

In the time that I have lived here, it has never been a problem so I am therefore happy to endorse the change to Retail Cannabis at this site.

Thank you,

s.22(1)

From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R6
Date: Monday, April 01, 2019 9:42:00 AM
Attachments: [ref_DistrSched_C-3A.PDF](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_Cannabis Guidelines.pdf](#)

Hello [s.22\(1\)](#)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) **allowed as outright approval**, (2) **conditionally regulated**, or (3) **not permitted** within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) **"not permitted"** category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link "<https://vancouver.ca/your-government/board-of-variance.aspx>"

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

The proposed change of use is for the retail sale of the product and the business would still be responsible for compliance with other related to smoking in public, loitering or waste disposal. The business hours are certainly something that we can regulate and I have specifically included that in my recommendation. If the current situation continues you can contact *311 and open a complaint file that our inspections department will look into.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

From: [s.22\(1\)](#)
Sent: Friday, March 29, 2019 3:15 PM
To: Profili, Cody

Subject: (DP-2019-00042)_1807 Burrard St #104 R6

Dear Cody Profili,

I am writing to you with regard to the development application for 1807 Burrard Street, Unit #104 DP -2019-00042, Weeds Glass and Gifts.

s.22(1)

s.22(1) Weeds store. s.22(1)

s.22(1) the weeds store. s.22(1)

s.22(1)

here. I have deliberately selected s.22(1) and it makes a welcome relief to the otherwise hard urban environment just off of Burrard.

I understand that s.22(1) this development application.

Since the Weeds store opened we have been continuously distressed by strangers

s.22(1) talking and larking around. On summer

s.22(1)

s.22(1) These people usually s.22(1)

s.22(1)

s.22(1) it weren't for these undesirable folk. My

s.22(1) to say the

least. s.22(1) these people and will almost certainly s.22(1)

Last summer I s.22(1)

s.22(1)

s.22(1)

s.22(1) this must likewise effect them. It is not fair that this nuisance has been brought into our otherwise peaceful and friendly neighbourhood.

The staff s.22(1)

s.22(1)

The Weeds garbage bin is on occasion overflowing, with garbage dumped all around it. This garbage hangs around in the alley for weeks and the bags have busted open and the contents (which seems to be primary rubber gloves and paper towels) drifted s.22(1) again s.22(1) to pick up this fowl stuff and have had enough of it!

I was also horrified to see the operating hours of Monday through Sunday 9.00am to

11.00pm. Are you kidding?!!!

The Weeds store make inconsiderate and disreputable neighbours, and their clientele are a nuisance. The store is grimy and dodgy looking. Please do not grant permission for their development application.

Yours sincerely,

s.22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

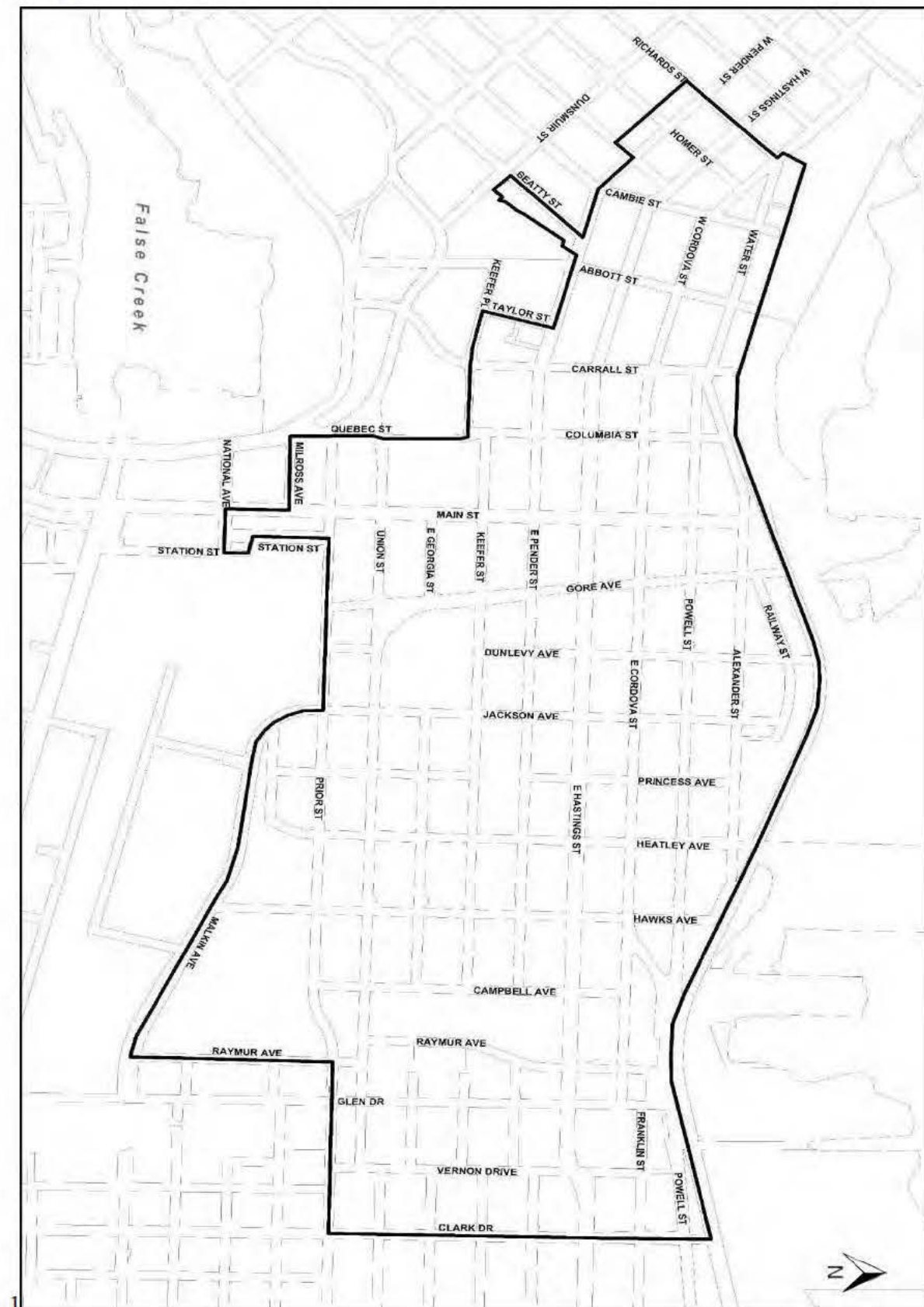
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
 - (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R7
Date: Monday, April 01, 2019 1:39:00 PM
Attachments: [ref_DistrSched_C-3A.PDF](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_Cannabis Guidelines.pdf](#)

Hello s.22(1)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) “not permitted” category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link “<https://vancouver.ca/your-government/board-of-variance.aspx>”

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

From: s.22(1)
Sent: Monday, April 01, 2019 11:42 AM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R7

Hello Cody,

I am writing you to share a concern regarding the application by “Weeds” to open a store at W.2nd and Burrard Street. The proposed location is within 300 meters of Hudson Elementary School and there is already another “pot shop” located at W.3rd and Burrard. I am not in support of the application.

Thanks,

s.22(1)



GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

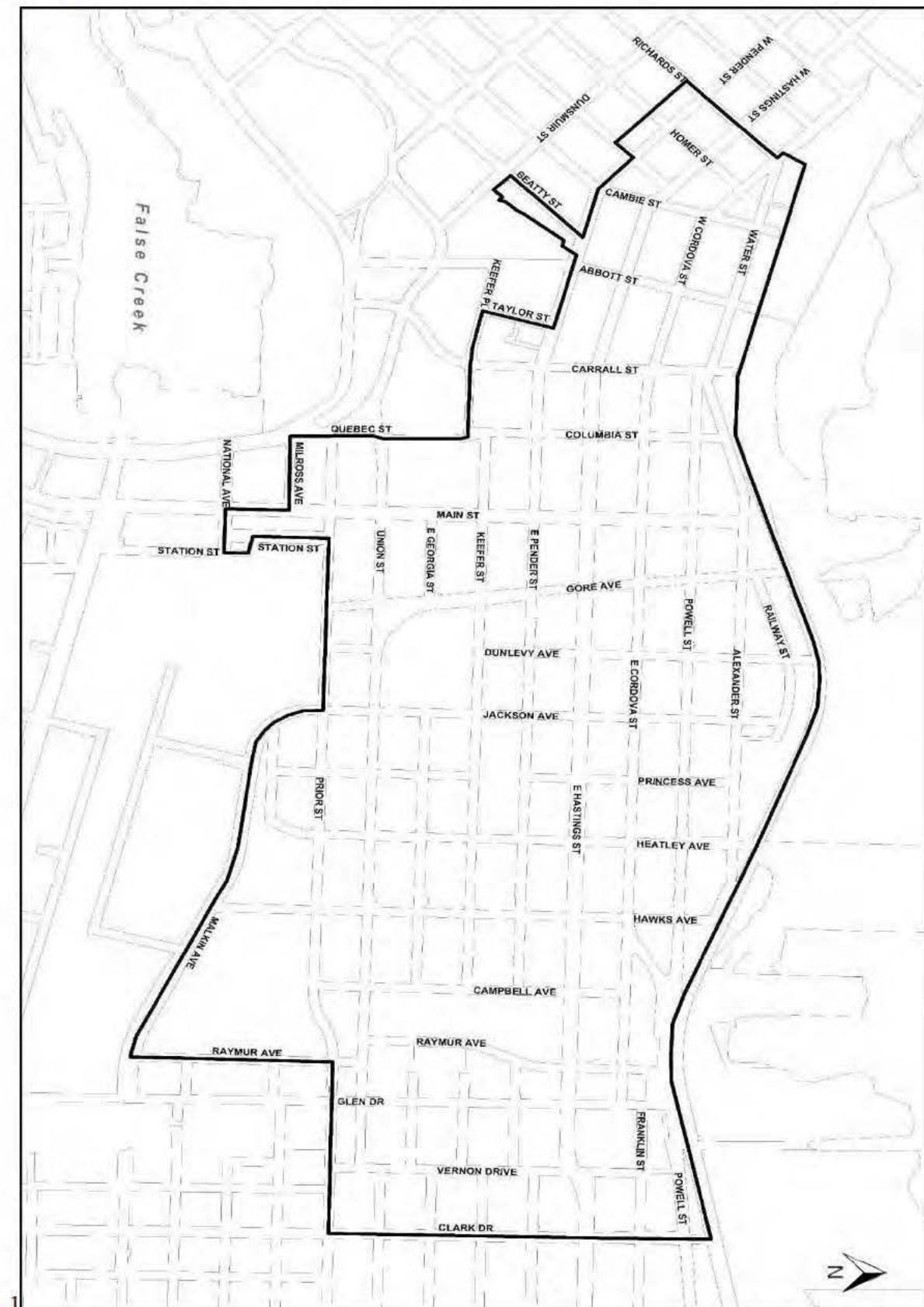
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R8
Date: Wednesday, April 03, 2019 1:51:00 PM
Attachments: [ref_DistrSched_C-3A.PDF](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_Cannabis Guidelines.pdf](#)

Hello s.22(1)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Please note that the proposal is being reviewed based on C-3A zoning and other applicable by-laws; that our authority for any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw 'C-3A' Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

From: s.22(1)
Sent: Wednesday, April 03, 2019 11:43 AM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R8

Good morning,

I'm writing in regards to the Weeds located at 104-1807 Burrard St - DP-2019-00042.

I have been a resident of Kitsilano s.22(1). For the last s.22(1) I have used cannabis products from Weeds to manage my anxiety and chronic pain.

Having a medical dispensary in my community has greatly improved my quality of life, and I encourage the City of Vancouver to approve Weeds for a retail cannabis license. As a queer woman I am acutely aware of the issues my community can face in receiving access to medical care, both mental and physical, and the presence of a retail cannabis store greatly reduces the barriers of access for queer and trans folks.

Please know that the Weeds at this location has my full support, and I look forward to its transition from a medical dispensary to a retail store.

Thank you for your time. Please do not hesitate to reach out if you have further questions.

Warm regards,

s.22(1)



GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

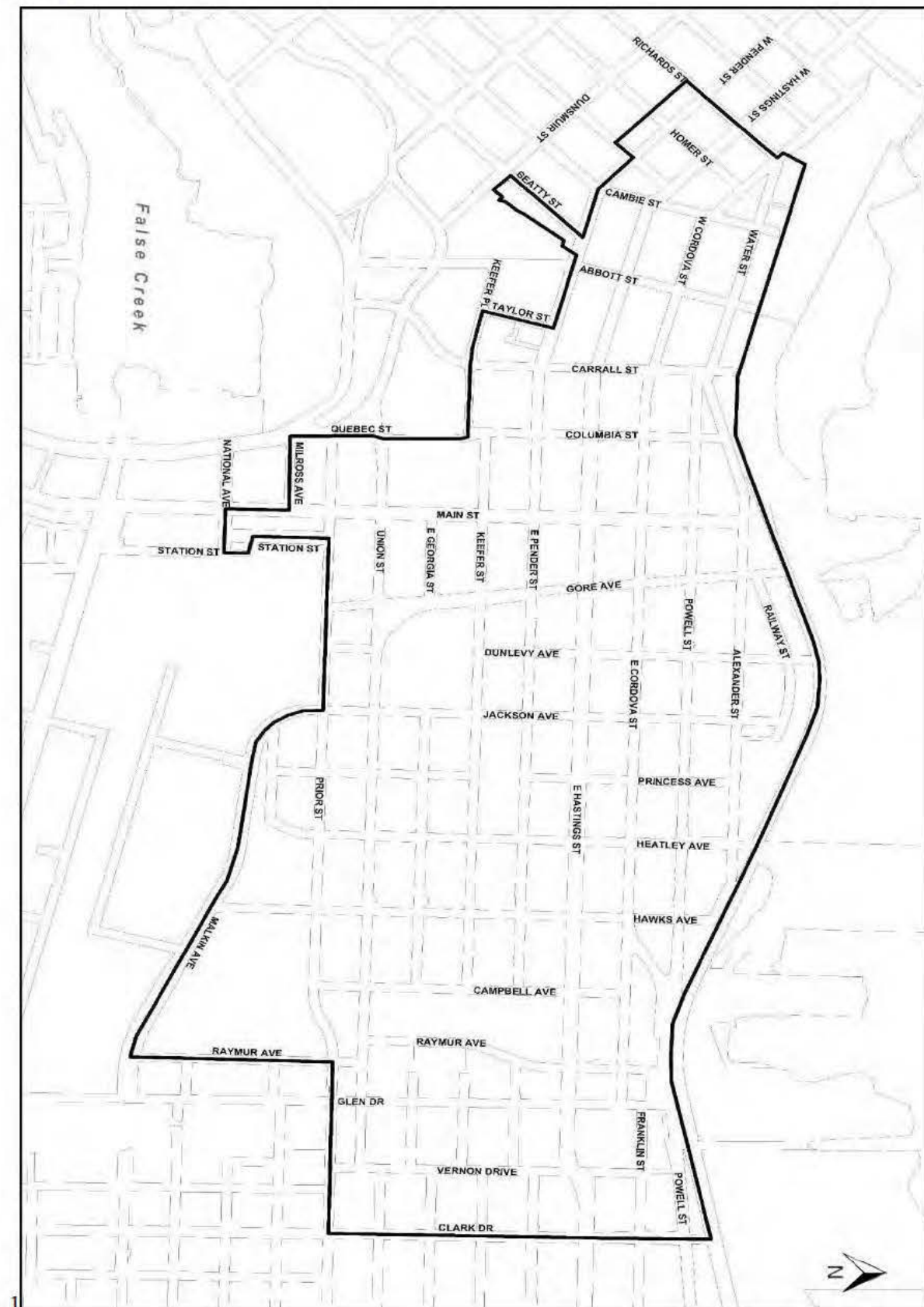
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
 - (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R9
Date: Tuesday, April 09, 2019 12:28:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello s.22(1)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) "not permitted" category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link "<https://vancouver.ca/your-government/board-of-variance.aspx>"

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- 1) You're correct that Henry Hudson school is within to 300m boundary, please refer to above for our current procedure in such cases;
- 2) I understand your concerns here, and can assure you that proximity to already established stores within 300m is also flagged on our reviews. The City has been working with illegal operators to ensure they fully understand and agree to be compliant, or are establishing timelines to close. The current application is the business' effort to become compliant. My understanding is that there is some grace period negotiated by the enforcement side of the city recognizing that regulations are still evolving, however I don't have the ability to comment on this aspect since it is outside of my department, knowledge and our consideration for reviewing the current application.
- 3) I have noted these comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. If the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av

cody.profil@vancouver.ca

From: s.22(1)

Sent: Saturday, April 06, 2019 4:20 PM

To: Profili, Cody

Subject: (DP-2019-00042)_1807 Burrard St #104 R9

Hello

I would like to comment on the permit request for the Retail Cannabis Store at 1897 Burrard Street. I have three concerns:

- 1) it is close to Henry Hudson Secondary School
- 2) it has been operating without a license since it opened, while other local cannabis stores in this area have closed in order to go through the process properly. This leads me to believe that the owner of the business does not like to be "inconvenienced" by provincial and city rules and regs and will flaunt rules and regs if it were to be allowed to continue.
- 3) since opening, s.22(1) has had a dramatic increase in issues such as littering, s.22(1) and smoking pot s.22(1)

As mentioned, there are a couple of stores on 4th Avenue that are going through the proper process and I feel should be rewarded for their due diligence. I believe that there are rules on the concentration of cannabis stores in a neighbourhood, and stores on 4th Avenue should preclude the store on Burrard getting a license. The 4th Avenue stores do not have residential units directly adjacent to them, and thus are more suited to this type of business.

Cheers

s.22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
 - 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
 - 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
 - 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
 - (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

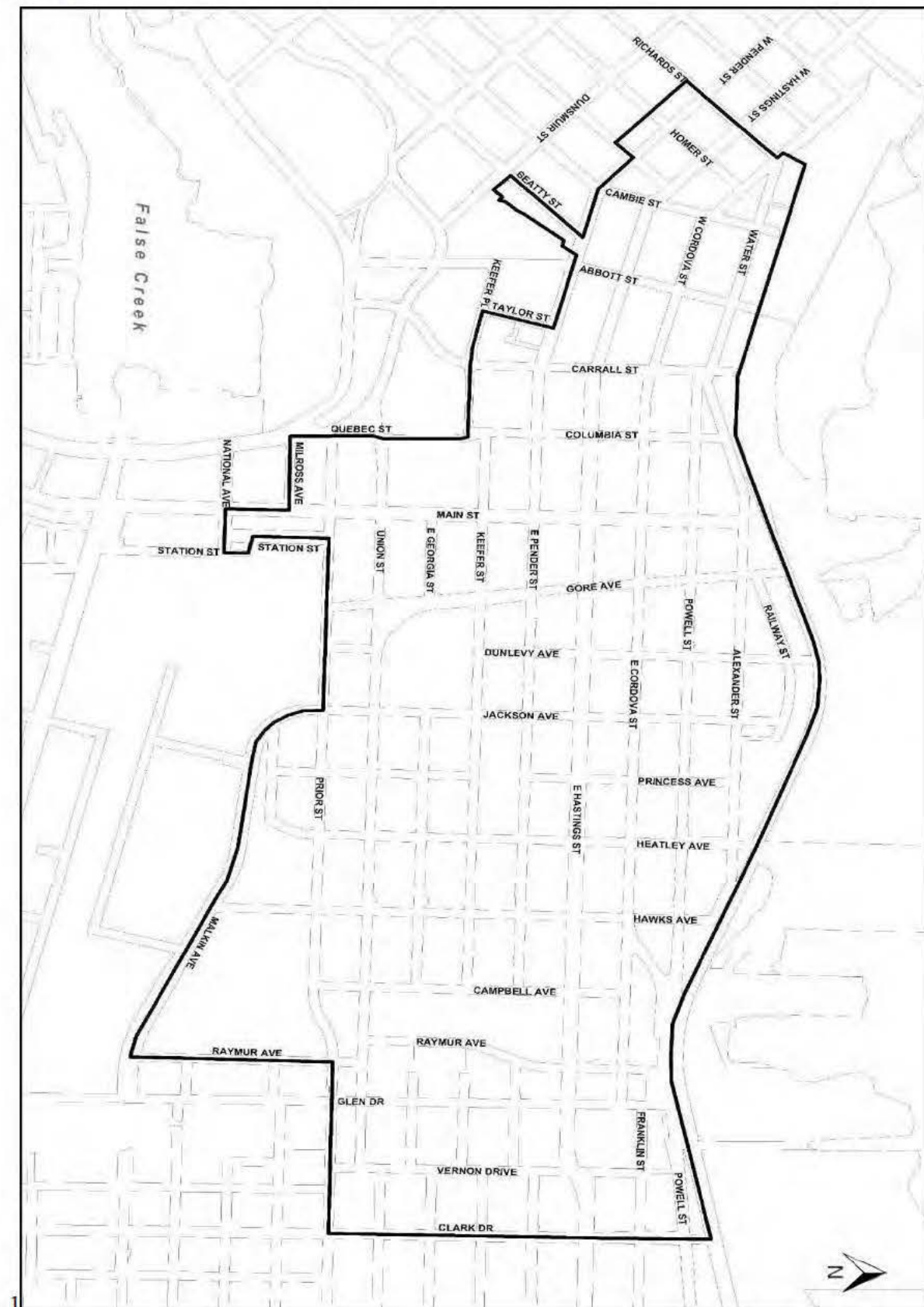
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R10
Date: Tuesday, April 09, 2019 12:28:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello s.22(1)
)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
Zoning+Development Bylaw - Section 11.28 Cannabis Store
Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) “not permitted” category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link “<https://vancouver.ca/your-government/board-of-variance.aspx>”

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- 1) You’re correct that there are already established stores within the 300m boundary, which is not permitted as per attached regulations. Please refer to above description of our current procedure in such cases;
- 2) I have noted these comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. I suggest contacting the businesses and noting your suggestions and concerns, however if the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into.
- 3) The business hours are something that can be amended and restricted as part of their license, so I will bring particular attention to this item in our review meeting.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,
Cody Profili | Project Coordinator – Development Review Branch
CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

-----Original Message-----

From: s.22(1)
Sent: Thursday, April 04, 2019 8:41 PM

To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R10

Dear Cody,

I would like to voice my objection to the proposed development. We have plenty of cannabis shops in our neighbourhood already. The odour of cannabis is quite overwhelming and not everyone enjoys being subjected to second hand smoke.

I realize that we live in a mixed use neighbourhood that has many types of businesses. My biggest objection to the many luxury car dealerships on our block is the cigarette smoking that occurs in conjunction with salivating over these expensive vehicles. I regularly pick up dozens of cigarette butts s.22(1) as we all know that these things do not degrade. Why do the dealerships not provide outdoor ashtrays? Do we expect the customers of the proposed shop to be more respectful?

Being open until 11:00 PM is, in my opinion, a recipe for increased crime and loitering. No other businesses are open this late.

Once again, I sincerely hope that approval for this project will be denied and at the very least, be restricted to daytime hours.

I look forward to your response.

Sincerely,

s.22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

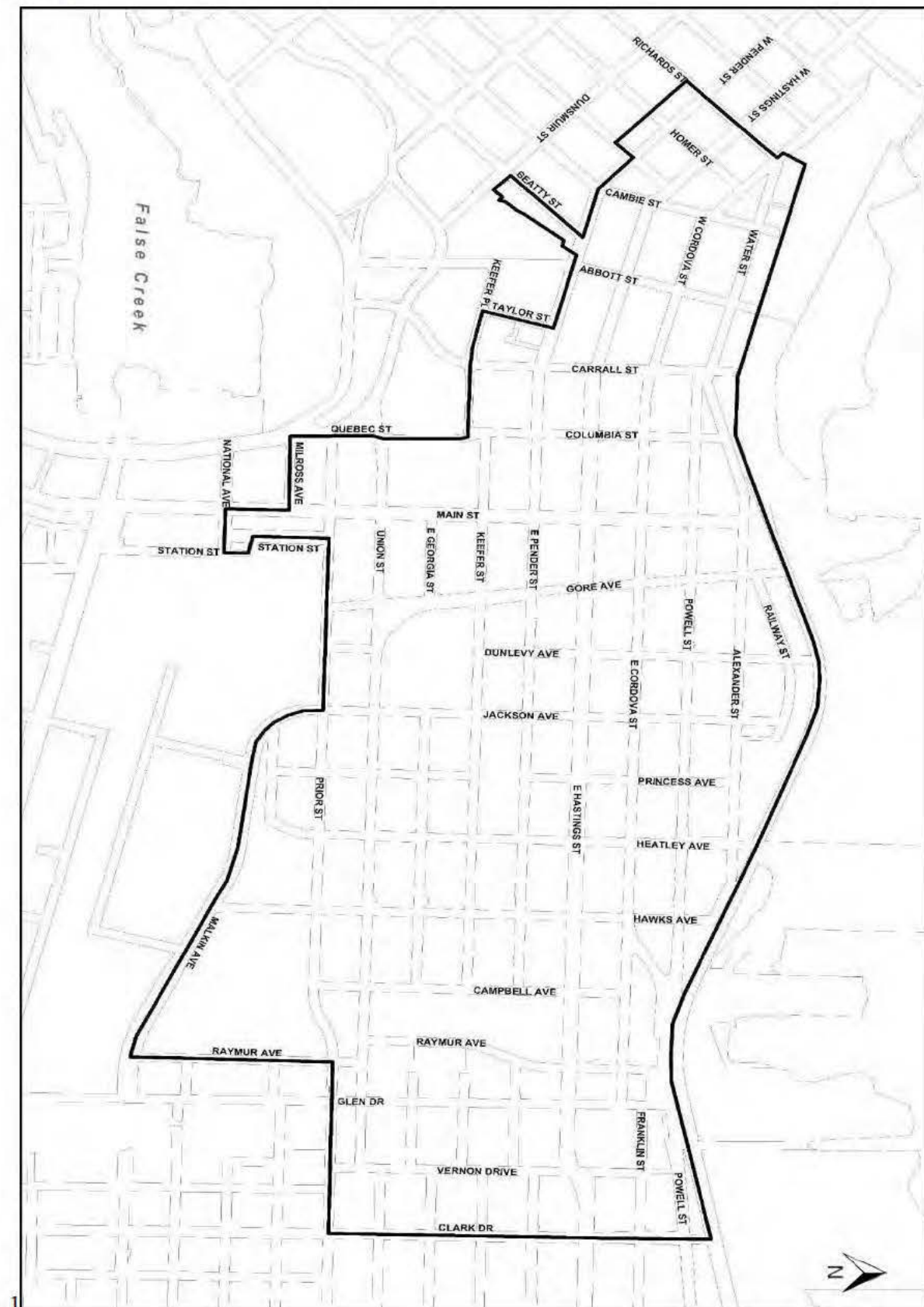
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
 - (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R11
Date: Tuesday, April 09, 2019 12:28:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello [s.22\(1\)](#)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
Zoning+Development Bylaw - Section 11.28 Cannabis Store
Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) “not permitted” category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link “<https://vancouver.ca/your-government/board-of-variance.aspx>”

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

1/2) I have noted your comments for consideration, and regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. I suggest contacting the businesses and noting your suggestions and concerns, however if the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Cody Profili | Project Coordinator – Development Review Branch
CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profil@vancouver.ca

-----Original Message-----

From: [s.22\(1\)](#)
Sent: Thursday, April 04, 2019 2:44 PM
To: Profili, Cody
Cc [s.22\(1\)](#)
Subject: (DP-2019-00042)_1807 Burrard St #104 R11

Dear Mr Profili,

As residents of s.22(1) we are writing to let you know that our household objects to the development application of WEEDS Glass & Gifts at unit 104-1807 Burrard Street.

s.22(1) WEEDS is located, we do not wish to support the development of a business which has affected its neighbours' peaceful and quiet enjoyment of their own properties. Specifically, WEEDS and their customers have impacted our enjoyment of our property in the following ways:

- 1) smoke from cannabis use wafts onto our property, particularly from users who smoke outside the store or in the s.22(1). The smoke can be smelled and is therefore being inhaled by young children who live here.
- 2) users/customers of the store are noisy. Whether they are smoking outside the store or simply coming and going, they can be s.22(1) speaking, shouting, and sometimes playing loud music.

We object to extending the store's opening hours as it will result in increased noise disturbance later in the evenings. We object also because we expect that the development will increase car traffic of customers coming to and from the store, therefore resulting in more road traffic noise and pollution in our neighbourhood.

Thank you for inviting us to provide our comments on this application.

Sincerely,

s.22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

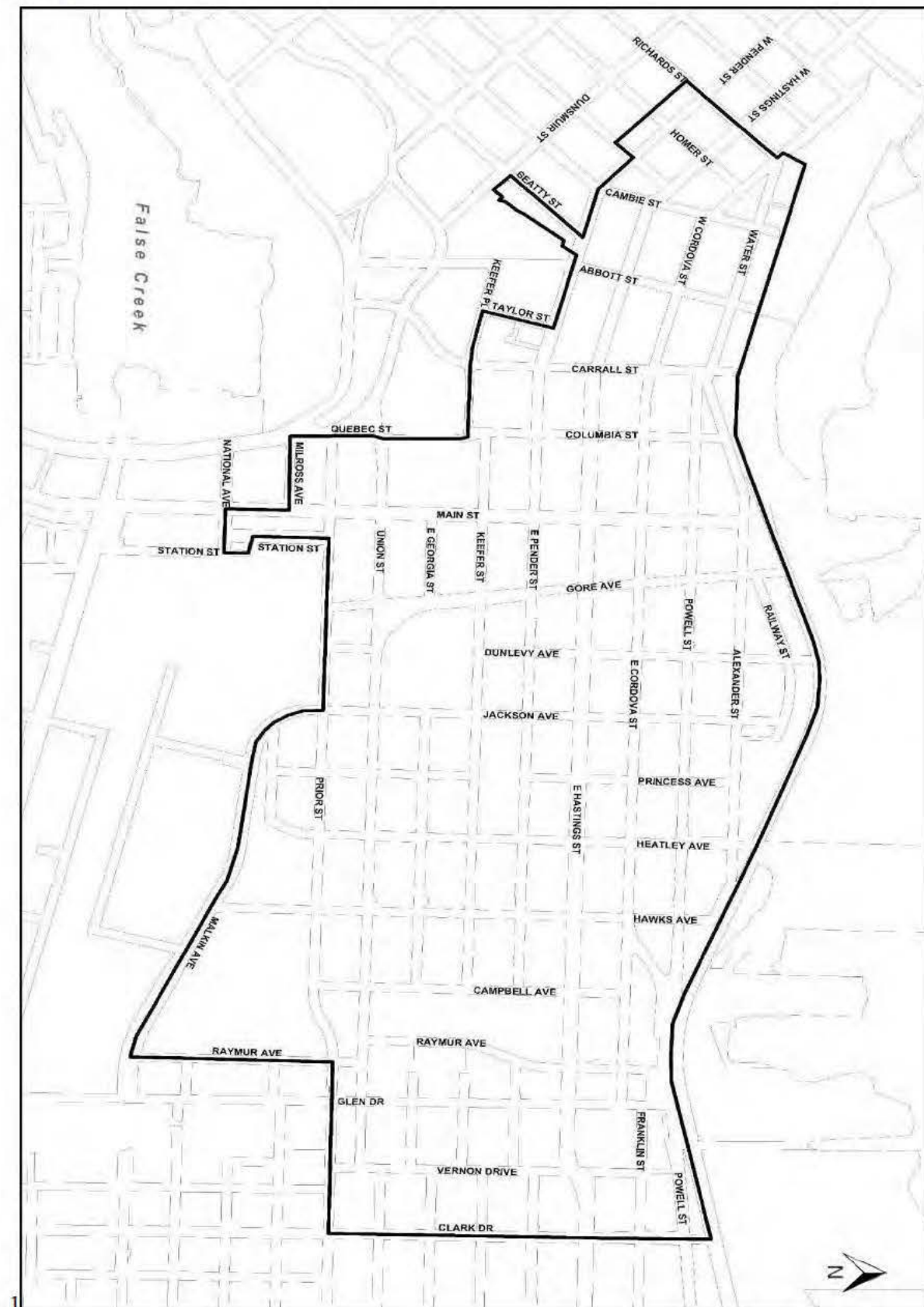
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R12
Date: Tuesday, April 09, 2019 12:28:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello [s.22\(1\)](#)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) **allowed as outright approval**, (2) **conditionally regulated**, or (3) **not permitted** within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) **"not permitted"** category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link "<https://vancouver.ca/your-government/board-of-variance.aspx>"

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- 1) The business hours are something that can be amended and restricted as part of their license, so I will bring particular attention to this item in our review meeting.
- 2) The application is a change of use from existing Retail to Retail-Cannabis, and therefore no associated change to parking requirements from a regulatory perspective and something you would have to deal with through enforcement or ticketing your own parking area.
- 3) I have noted these comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. If the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into.
- 4) You're correct that Henry Hudson school is within to 300m boundary, please refer to above paragraph for our current procedure in such cases;
- 5) Proximity to that type of use would be a component of reviews completed by our Social Policy team. If you could provide an address for this location, I will double check with her to see that this has been considered.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your

neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av

cody.profil@vancouver.ca

From: s.22(1)
Sent: Thursday, April 04, 2019 12:27 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R12

Dear Mr. Profili,

My name s.22(1) and I am one of the s.22(1)
s.22(1) I am writing to voice
my concerns with the development application we have received for 1807 Burrard Street, with
which s.22(1) We have had nothing but problems with the current Weeds
store, and oppose the application together with the expanded operating hours. (*1) In addition to
their customers s.22(1)
s.22(1) smoking their purchases. s.22(1), which is
s.22(1) In addition to the issues created by their
customers, we also s.22(1) Some people think that the store might throw out
product that they can use, so whenever their garbage is left unlocked, it is removed from the bins
and s.22(1)
s.22(1) I am attaching three photos s.22(1)
s.22(1)
s.22(1) well prepared to clean up s.22(1) (*3) I
understand the legality of the operation, but it unfortunately attracts an unwanted group of people
to the area, who do not respect the surrounding neighbors. I expect that the people who truly need
the product do not need to be buying it later at night, and if anything, the hours should be reduced.
(*1)

There are several cannabis stores two blocks away in the 1800 block of fourth avenue, which is more
of a commercial area, and already seems excessive. Other than this narrow commercial strip on the
west side of Burrard, most neighbors are single family homes and apartment buildings, many with
children. I don't see why we need this type of retailer in this location. I don't know the laws and
regulations, but why would it be allowed three blocks from an elementary school (*4) and across
the lane from a probation office? (*5)

Again, we oppose this application, and the presence of this store to begin with.

Thank-you for your consideration.

s.22(1)



GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
 - 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
 - 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
 - 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
 - (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

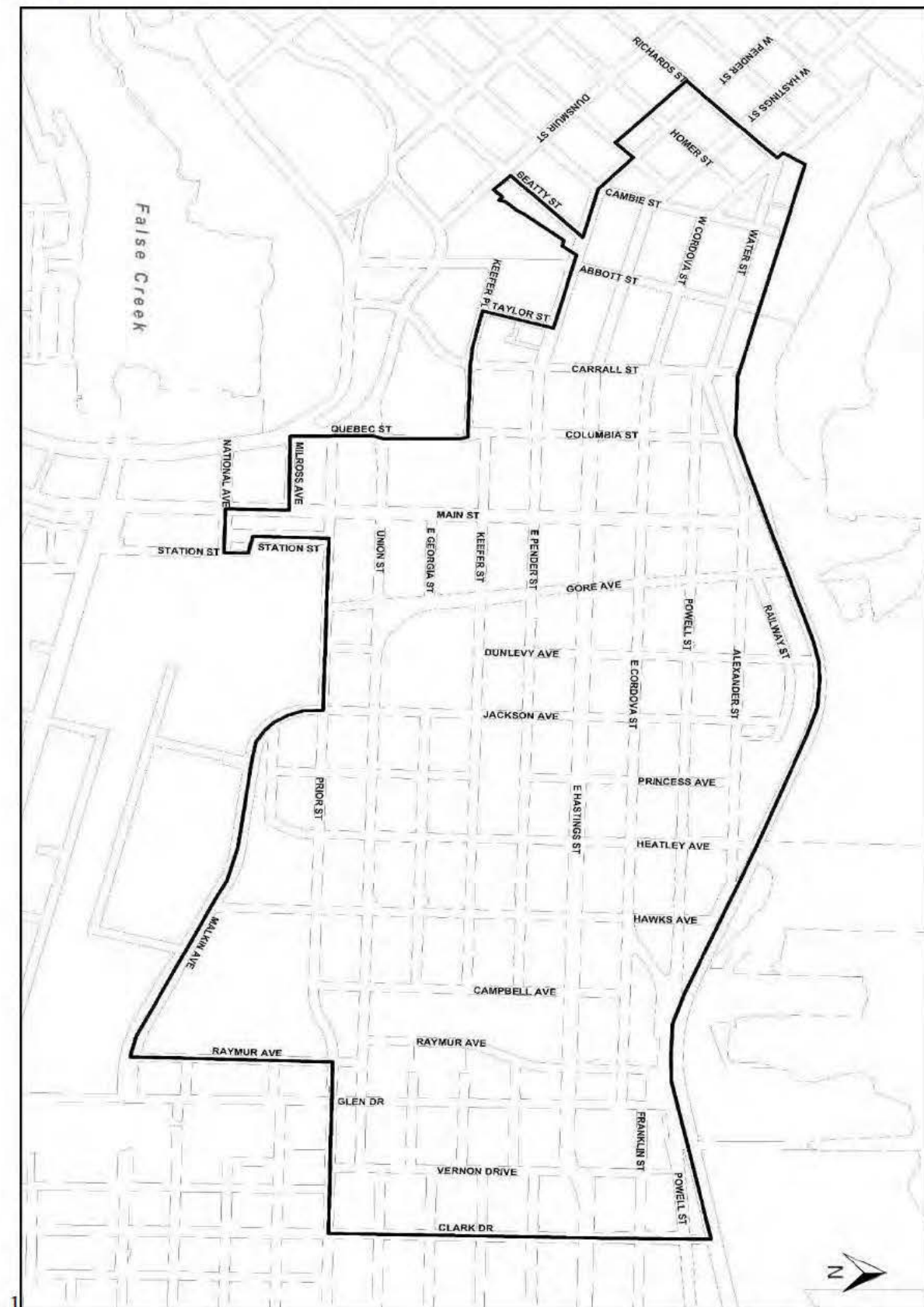
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R13
Date: Tuesday, April 16, 2019 4:04:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello [s.22\(1\)](#)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) **allowed as outright approval**, (2) **conditionally regulated**, or (3) **not permitted** within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) “**not permitted**” category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link “<https://vancouver.ca/your-government/board-of-variance.aspx>”

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- 1) I have noted these comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. if the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into in addition to the VPD.
- 2) See above item #1
- 3) The City has been working with illegal operators to ensure they fully understand and agree to be compliant and are establishing timelines to close. The current application is the business’ effort to become compliant. My understanding is that there is some grace period negotiated by the enforcement side of the city recognizing that regulations are still evolving, however I don’t have the ability to comment on this aspect since it is outside of my department, knowledge and our consideration for reviewing the current application
- 4) Please refer to above paragraph for our current procedure when in proximity to “sensitive sites” and BOV appeals.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av

cody.profil@vancouver.ca

From: s.22(1)

Sent: Thursday, April 04, 2019 10:59 AM

To: Profili, Cody

Subject: (DP-2019-00042)_1807 Burrard St #104 R13

Good Morning Cody

I am writing today to voice my strong opposition to the proposed development application for the Weeds store between 2nd and 3rd on Burrard street in Kitsilano. s.22(1)
Avenue. The reasons for my opposition are,

1. It is a total nuisance to the neighbourhood, garbage, loitering, foul language, noise, vandalism and trespassing to name a few.
2. s.22(1)
doing whatever else, feel free to check with the VPD
3. The business has been operating illegally as I understand it , so why would they be granted a license at this point?
4. The business is too close to the elementary school s.22(1) as put out in your guidelines
5. The business is too close to other cannabis stores in the neighborhood as put out in your guidelines

I look forward to hearing from you

Best

s.22(1)



GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.

- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
 - (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,

“principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.

“booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

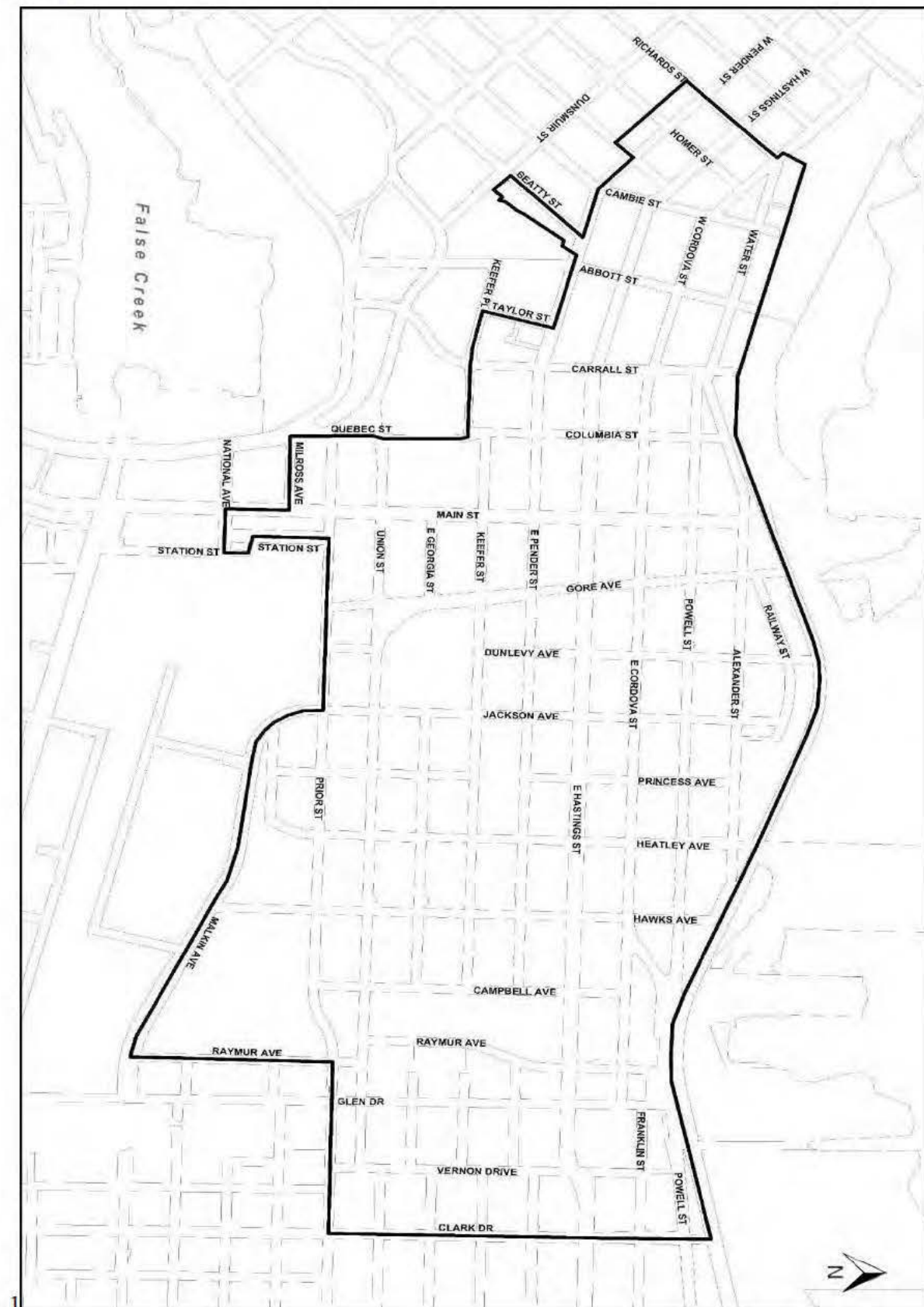
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R14
Date: Tuesday, April 16, 2019 4:04:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello [s.22\(1\)](#)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) "not permitted" category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link "<https://vancouver.ca/your-government/board-of-variance.aspx>"

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- I have noted these comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. if the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into in addition to the VPD.
- The business hours are something that can be amended and restricted as part of their license, so I will bring particular attention to this item in our review meeting.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch

CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

From: s.22(1)
Sent: Friday, April 12, 2019 7:58 AM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R14

Hello Cody:

s.22(1) and received a card from the City of Vancouver asking for comments on the WEEDS store at 1807 Burrard Street development application to increase its hours of operation and to change to a cannabis retailer.

Many of our neighbours s.22(1) which is closer to this store than s.22(1) to this application based on the disrespectful clientele that frequent this establishment. Our neighbours discuss problems with heavy marijuana smoke entering their building and the fact that the client often leaves garbage lying around. I feel sorry for our neighbour having to put up with this and s.22(1) and experience a bit less of the issues they face. I do want to say though that I agree with our neighbours about their comments on the clientele of this establishment and would like to add that since this store opened I have noticed an increase in unsightly graffiti appearing in the alleyway. I have no proof that the graffiti was caused by the clientele of this establishment only that it started to get worse since that store opened.

Increasing these stores hours would make an already bad situation worse, having more of this clientele staying to later hours and disturbing the local residents is not a situation that I want my fellow neighbours to suffer through. Plus changing their license to a retail cannabis license would cause more people to frequent the store and disturb the neighbourhood.

If I could vote on the issue, my vote would be to deny this business permission to have extended hours and to deny this business's application for a Cannabis Retail store license. I think a lot of residents would prefer that if one Cannabis store had to be in the neighbourhood that it be on 4th and Burrard where more businesses are and there would be fewer disturbances to residents of the neighbourhood.

Thank you for asking for our opinion and for your time in considering all sides of this application, it is most appreciated.

Sincerely,

s.22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
- (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
 - (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
 - (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.
- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
 - (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
 - (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

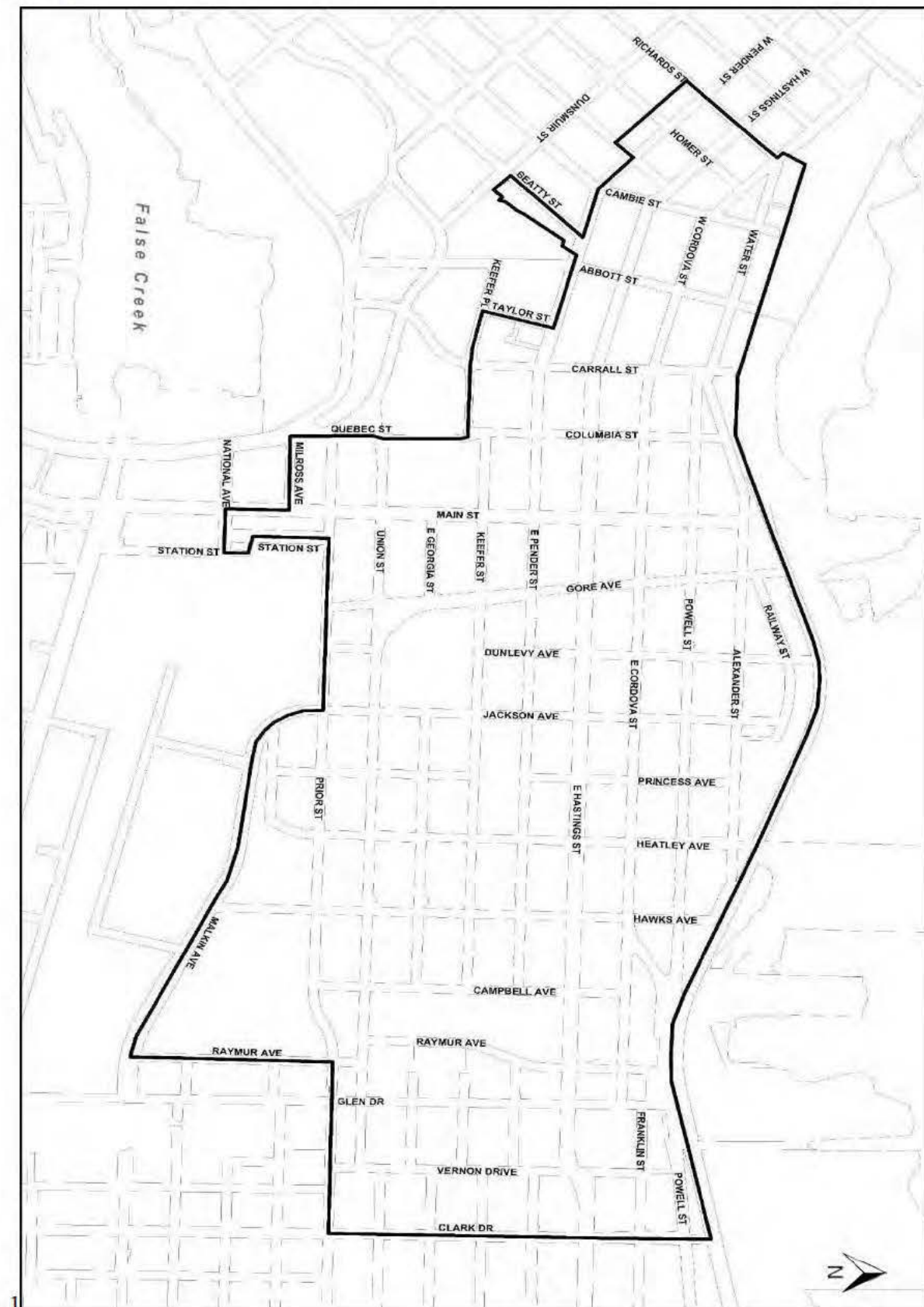
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: [s.22\(1\)](#)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R15
Date: Tuesday, April 16, 2019 4:04:00 PM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello [s.22\(1\)](#)

Thank you for your comments, I have received your email and will be sure to add to our summary review for consideration at DOP (Director of Planning) review.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) **allowed as outright approval**, (2) **conditionally regulated**, or (3) **not permitted** within the regulations. Cannabis specific policies have been attached for your reference:

- Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
- Zoning+Development Bylaw - Section 11.28 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) “**not permitted**” category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link “<https://vancouver.ca/your-government/board-of-variance.aspx>”

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- 1) I have noted these comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. if the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and look into.
- 2) The business hours are something that can be amended and restricted as part of their license, so I will bring particular attention to this item in our review meeting.
- 3) Please refer to above paragraph for our current procedure when in proximity to “sensitive sites” and BOV appeals.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Regards,

Cody Profili | Project Coordinator – Development Review Branch
CITY OF VANCOUVER | West Annex, 515 West 10th Av

From: s.22(1)
Sent: Friday, April 12, 2019 10:03 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R15

TO WHOM IT MAY CONCERN:

The Notice of Development Application dated March 28, 2019 advises WEEDS Glass & Gifts, at unit #104- 1807 Burrard Street, has applied to the City of Vancouver to operate as a Retail Cannabis Store for 7 days per week, open from 9am to 11pm.

This application should not be approved by the Director of Planning for the following reasons:

- The WEEDS store is located at the west entrance to the back alley between 3rd Avenue and 2nd Avenue. The city should know the back alley is a residential neighbourhood with several 3-4 storey condos & apartment buildings, as well as a few houses and a townhouse.
- The back alley allows commercial parking only, although rarely enforced by the City. As the alley is used daily by garbage trucks, it is difficult enough for residents to drive in & out of underground parking in the condo buildings. We certainly do not need additional traffic and illegal parking that would result from a cannabis store, especially until 11pm!
- There is an existing retail cannabis store on 4th Avenue near Burrard Street. This store location on a commercial street should be given a retail cannabis licence, not the WEEDS store located at the entrance to a residential neighbourhood!

One of our neighbours s.22(1) WEEDS store has advised us of the problems they are already experiencing from the clientele of the WEEDS Glass & Gifts store. s.22(1) wrote:

"s.22(1)
s.22(1) pot smoke. They are sometimes noisy and usually leave behind garbage. The smoke also drifts up into our upstairs neighbour's apartments. We are all tired of it and are banding together to write to the city to oppose the development application."

Please keep our neighbourhood a peaceful place to live by not granting permission for the WEEDS store to operate as a retail cannabis store.

Best Regards,

s.22(1)

s.22(1)

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
- 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
- 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
- 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
- (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.

- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

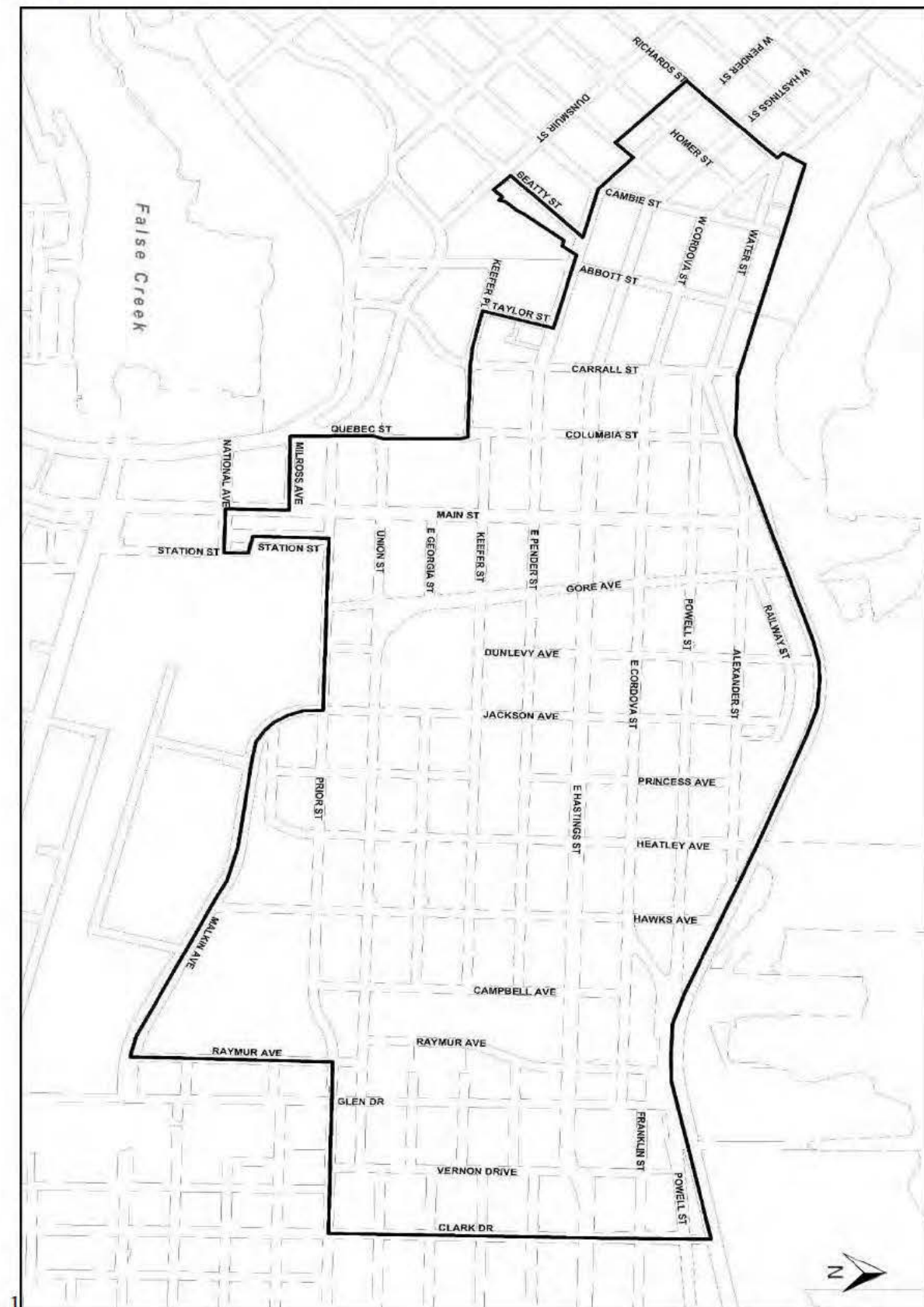
11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1



From: [Profili, Cody](#)
To: s.22(1)
Subject: RE: (DP-2019-00042)_1807 Burrard St #104 R16
Date: Friday, April 26, 2019 11:21:00 AM
Attachments: [ref_Cannabis Guidelines.pdf](#)
[ref_ZD bylaw Section 11.pdf](#)
[ref_DistrSched C-3A.PDF](#)

Hello s.22(1)

Thank you for your comments, I have received your email and still have time to add to our summary review for consideration at DOP (Director of Planning) since that meeting has not happened yet.

The proposal is currently being reviewed under C-3A zoning and other applicable by-laws; and our authority to decide on any particular item, or aspect of the proposal depends whether it is (1) allowed as outright approval, (2) conditionally regulated, or (3) not permitted within the regulations. Cannabis specific policies have been attached for your reference:

Zoning+Development Bylaw - C-3A Zone District Schedule, conditionally acceptable use under section 3.2R
Zoning+Development Bylaw - Section 11.28 Cannabis Store
Guidelines for Medical marijuana-related uses near youth facilities

Certain aspects falling under the (3rd) “not permitted” category are automatic refusals since they fall outside the DOP authority. This is currently the case for the required 300m distance to surrounding sensitive sites and uses. The applicant can appeal our refusal decision and take to the BOV (Board of Variance), which has authority and some precedent of overturning our refusals (based on specific site and application rationale and justifications). For more information on the BOV and their processes please see the following website link “<https://vancouver.ca/your-government/board-of-variance.aspx>”

Since you responded to the notification, you will be informed of any decision and/or conditions (requested revisions). From there, you should contact the BOV (as it is likely that the applicant will appeal) to determine the hearing date, at which all interested parties are given a chance to present their comments, rationale and express their support or objections.

In specific response to your questions from below email:

- 1) Please refer to above paragraph for our current procedure when in proximity to “sensitive sites” and BOV appeals.
- 2) I have noted your comments for consideration, however regardless of this approval the business is still be responsible for compliance with other related to smoking in public, loitering or waste disposal. if the current situation continues you can contact *311 and open a complaint file that our inspections department will formally record and address.
- 3) The business hours are something that can be amended and restricted as part of their license (which is separate from my development permit review scope), however I will ensure your comment is recorded and brought forward to licensing.

We appreciate that you took the time to share your insight and opinions, it greatly helps us gain community perspective to review and improve the effects of the development with the unique context and needs of your neighbourhood.

Thank you,

Cody Profili | Project Coordinator – Development Review Branch
CITY OF VANCOUVER | West Annex, 515 West 10th Av
cody.profili@vancouver.ca

-----Original Message-----

From s.22(1)

Sent: Saturday, April 20, 2019 1:50 PM
To: Profili, Cody
Subject: (DP-2019-00042)_1807 Burrard St #104 R16

Project Manager,

s.22(1) My response is delayed since I have been away. I'm definitely not in favor of the above development application.

1: There are at least 4 more cannabis outlets within a 15 to 20 minute walking distance from my residence.

2: There are a number of individuals either parking or smoking s.22(1). Also there is an AG's office for offenders 2 or 3 doors down. This is a residential area where children also live. They play in the alley like most neighborhoods.

3: Certainly do not want an extension of hours to 11 o'clock at night from individuals frequenting the weed store and sometimes hanging around.

4: Personally I believe this area of Kitsilano is not well maintained or consider the residents who live in this area. More difficult for walkers and drivers who have to watch various lanes of challenging traffic, including people who have a need to access a weed store. s.22(1) confusing area.

5 s.22(1) the devastation of cannabis drug addiction on individuals and families. I certainly do not promote extended hours for a start. I realize at this time we are stuck with poor legislative decisions. I live in hope that there are strict rules and guidelines regarding the distribution of this drug in all its forms.

Regards,

s.22(1)

Sent from my iPad

GUIDELINES FOR RETAIL DEALER - MEDICAL MARIJUANA-RELATED USES NEAR YOUTH FACILITIES

Adopted by City Council on June 24, 2015

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3 Uses

3.1 Retail Uses

- (a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:
 - (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
 - (ii) the role and function of the youth facility;
 - (iii) the hours and days of operation of the youth facility; and
 - (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.

C-3A District Schedule

1 Intent

The intent of this Schedule is to provide for a wide range of goods and services, to maintain commercial activities, specialized services and some light manufacturing enterprises while preserving the character and general amenity of the area and its immediate surroundings, and to provide for dwelling uses designed compatibly with commercial uses.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted in this District and shall be issued a permit.

2.2 Uses

- 2.2.A**
- Accessory Buildings customarily ancillary to any of the uses listed in this Schedule, provided that:
 - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
 - (b) all accessory buildings are located in the rear yard and in no case are less than 3.1 m from the ultimate centre line of any rear or flanking lane;
 - (c) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 15 percent of the total area of the site;
 - (d) not applicable; [Maximum width]
 - (e) not applicable; [Proximity to residential dwelling]
 - (f) no accessory building obstructs the horizontal daylight access prescribed in this Schedule for residential use.
 - Accessory Uses customarily ancillary to any of the uses listed in this section, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use.
- 2.2.C** [Cultural and Recreational]
- Arts and Culture Indoor Event.
 - Bowling Alley.
 - Club.
 - Community Centre or Neighbourhood House.
 - Fitness Centre.
 - Hall.
 - Library.
 - Museum or Archives.
 - Rink.
 - Swimming Pool.
 - Theatre.
- 2.2.I** [Institutional]
- School - University or College.

2.2.0 [Office]

- Financial Institution.
- General Office.
- Health Care Office.

2.2.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store except for Small-scale Pharmacy.
- Retail Store.

2.2.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Business.
- School - Vocational or Trade.
- Sign Painting Shop.

2.3 Conditions of Use

2.3.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, compliance with section 3.3 and the provisions and regulations of this Schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2 of this Schedule, with or without conditions, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

3.2 Uses

3.2.A • Accessory Uses to any of the uses listed in this Schedule, subject to the same provisions as section 2.2.A of this Schedule.

3.2.AG [Agricultural]

- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade.
- Artist Studio, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall.
- Bingo Hall.
- Casino - Class 1.
- Park or Playground.
- Zoo or Botanical Garden.

3.2.D • Deposition or extraction of material so as to alter the configuration of the land.

3.2.DW [Dwelling]

- Dwelling units in conjunction with any of the uses listed in this schedule except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion and provided that before making a decision the Director of Planning shall consider the design and livability of the dwelling units.
- Multiple Dwelling, provided that the Director of Planning is of the opinion that the site is suitable for residential use.
- Multiple Conversion Dwelling, resulting from the conversion of a building which was in existence prior to June 18, 1956, provided that:
 - (a) before making a decision the Director of Planning shall consider the quality and livability of the resulting units, the suitability of the building for conversion in terms of age and size, and the effect of the conversion on adjacent properties and the character of the area; and
 - (b) building additions shall not be permitted.
- Principal Dwelling Unit combined with a Lock-off Unit in conjunction with any of the uses listed in this schedule, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width may be used for residential purposes unless the purpose is for entrances to the residential portion, and, with respect only to the C-3A District Schedule, the Director of Planning, before making a decision, considers the design and livability of the dwelling units.
- Principal Dwelling Unit combined with a Lock-off Unit in a Multiple Dwelling if the Director of Planning is of the opinion that the site is suitable for residential use.
- Residential Unit associated with and forming an integral part of an artist studio, subject to the provisions of section 11.19 of this By-law.
- Seniors Supportive or Assisted Housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Church.
- Detoxification Centre.
- Hospital.
- Public Authority Use.
- School - Elementary or Secondary.
- Social Service Centre.
- Community Care Facility – Class B, subject to the provisions of section 11.17 of this By-law.
- Group Residence, subject to the provisions of section 11.17 of this By-law.

3.2.M [Manufacturing]

- Clothing Manufacturing.
- Dairy Products Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Ice Manufacturing.
- Jewellery Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Printing or Publishing.
- Textiles or Knit Goods Manufacturing.

3.2.O [Office]

- Health Enhancement Centre.

3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Adult Retail Store.
- Cannabis Store, subject to the provisions of section 11.28 of this By-law.
- Gasoline Station - Full Serve, subject to the provisions of section 11.10 of this By-law.
- Gasoline Station - Split Island, subject to the provisions of section 11.10 of this By-law.
- Grocery Store with Liquor Store.
- Liquor Store.
- Pawnshop.
- Public Bike Share.
- Secondhand Store.
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer.

3.2.S [Service]

- Animal Clinic.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Cabaret.
- Drive-through Service.
- Funeral Home.
- Hotel.
- Motor Vehicle Repair Shop.
- Motor Vehicle Wash.
- Neighbourhood Public House.
- Photofinishing or Photography Laboratory.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- Restaurant - Class 2.
- Restaurant - Drive-in.
- School - Arts or Self-Improvement.
- Short Term Rental Accommodation, subject to the provisions of section 11.32 of this By-law.
- Wedding Chapel, subject to section 11.20 of this By-law.

- 3.2.T [Transportation and Storage]
- Mini-storage Warehouse.
 - Storage Warehouse.
 - Taxicab or Limousine Station.
- 3.2.U [Utility and Communication]
- Public Utility.
 - Radiocommunication Station.
 - Recycling Depot.
- 3.2.W [Wholesale]
- Lumber and Building Materials Establishment.
 - Wholesaling - Class A.
 - Wholesaling - Class B.
- 3.2.Z
- Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Director of Planning considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

- 3.3.1 All commercial uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:
- (a) parking and loading facilities;
 - (b) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
 - (c) vehicle dealer;
 - (d) drive-in restaurant;
 - (e) drive-through service;
 - (f) lumber store;
 - (g) taxicab or limousine station;
 - (h) neighbourhood public house;
 - (i) farmers' market;
 - (j) public bike share; and
 - (k) Urban Farm - Class B.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage -- Not Applicable.

4.3 Height

4.3.1 The maximum height of a building shall be 9.2 m.

4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building with respect to any development, provided that the Director of Planning or the Development Permit Board first considers:

- (a) the intent of this Schedule, all applicable policies and guidelines adopted by Council and the relationship of the development with nearby residential areas;
- (b) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets and existing views;
- (c) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area;
- (d) the provision for pedestrian needs;
- (e) the preservation of the character and general amenity desired for the area; and
- (f) the submission of any advisory group, property owner or tenant.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be required.
- 4.4.2 A setback of 1.2 m from the front property line shall be required for any parking area.

4.5 Side Yards and Setback

- 4.5.1 No side yard shall be required, except that where the site adjoins, without the intervention of a lane, a site located in an R district, in which case the following side yard requirements apply:
 - (a) where the adjoining site is in an RM district, a side yard with a minimum width of 1.5 m shall be provided adjoining the RM district;
 - (b) in all other cases, a side yard with a minimum width of .9 m shall be provided, except in the case of a corner site in which case an exterior side yard need not be provided.
- 4.5.2 Where a side yard is provided, although not required, the minimum provisions of section 4.5.1 shall apply.
- 4.5.3 In the case of a corner lot, a setback of 1.2 m from the side property line abutting the flanking street shall be required for any parking area.

4.6 Rear Yard and Setback

- 4.6.1 A rear yard with a minimum depth of 3.1 m shall be provided, except that where the rear of the site abuts a lane, this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.
- 4.6.2 Where any portion of a building contains residential uses, that portion shall be set back a minimum of 7.6 m from the rear property line across the full width of the building, except that where the rear of the site abuts a lane, this required minimum setback shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.7 Floor Space Ratio

- 4.7.1 The floor space ratio shall not exceed 1.00, except that:
 - (a) the Director of Planning or the Development Permit Board may permit an increase in floor space ratio to a maximum of 3.00, if the Director of Planning or the Development Permit Board first considers:
 - (i) the intent of this Schedule, all applicable Council policies and guidelines and the relationship of the development with nearby residential areas,
 - (ii) the height, bulk, location and overall design of the building and its effect on the site, surrounding buildings and streets, and existing views,
 - (iii) the amount of open space, including plazas, and the effects of overall design on the general amenity of the area,

- (iv) the effect of the development on traffic in the area,
 - (v) the provision for pedestrian needs, and
 - (vi) the design and livability of any dwelling uses; and
 - (b) despite the provisions of subsection 4.7.1(a), if the Director of Planning or the Development Permit Board first considers the intent of this district schedule, all applicable Council policies and guidelines and the submissions of any advisory groups, property owners or tenants, and there is no heritage density available for transfer, the Director of Planning or the Development Permit Board may permit an additional increase in permitted floor area of one m² for each amenity share provided to the city at no cost to the city, to a maximum increase of 10% above the maximum permitted floor space ratio.
- 4.7.2 In this district schedule, amenity means conservation of protected heritage property.
- 4.7.3 For the purposes of this district schedule, the cost of an amenity share is the amount specified per m² in the Heritage Amenity Share Cost Schedule G.
- 4.7.4 Notwithstanding the provisions of subsection 4.7.1, the maximum floor space ratio achievable as a result of the provision of amenity shares must otherwise comply in all respects with this district schedule and this by-law.
- 4.7.5 The following shall be included in the computation of floor space ratio:
- (a) all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building; and
 - (b) in dwelling units and artists studios, where the distance from a floor to the floor above, or where there is no floor above, to the top of the roof rafters or deck, exceeds 3.7 m, an additional amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or
 - (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.
- 4.7.6 The following shall be excluded in the computation of floor space ratio:
- (a) open residential balconies and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
 - (b) amenity areas for the social and recreational enjoyment of residents and employees, or providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
 - (i) the total area being excluded shall not exceed the lesser of 20 percent of the permitted floor space or 1 000 m² ; and
 - (ii) in the case of a child day care centre, the Director of Planning, on the advice of the Director of Social Planning, is satisfied of the need for the facility in the immediate neighbourhood.
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or

- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed;
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 600 m²;
 - (ii) the excluded area shall be secured by covenant and right of way in favour of the City of Vancouver which set out public access and use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

4.7.8 The Development Permit Board may increase the allowable floor space ratio by a maximum of 10 percent where the increase results from a transfer of heritage density, except that this provision shall not apply to a development where there has been an increase in floor space ratio pursuant to section 4.7.1(b).

For the purposes of this section “heritage density” means density provided as compensation for a heritage designation, which is transferred from the site of the designated heritage property to another site in accordance with Council’s Transfer of Density Policy and Procedure.

4.9 [Deleted -- see Parking By-law.]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

- 4.10.6 A habitable room referred to in section 4.10.1 does not mean:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.15 Acoustics

- 4.15.1 A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq) sound level and will be defined simply as the noise level in decibels.

Portions of dwelling units	Noise levels (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

5 Relaxation of Regulations

- 5.1 The Director of Planning may relax the maximum height, floor area and location regulations for accessory buildings and accessory uses except that the relaxed height shall not, in any event, exceed the maximum prescribed in section 4.3.1 nor the floor space exceed 33-¹/₃ percent of the gross floor area of the principal use.
- 5.2 Where a need for any public, social, cultural or recreational facility has been demonstrated to the satisfaction of the Development Permit Board, the Board may permit for any one building, which includes one or more of such facilities, an increase in the maximum floor space ratio or density of a building and may require that any such facility be preserved in the public domain by way of a registered agreement and operated by the City or its delegates.

In determining the amount of the increase in floor area or density that may be permitted, the Development Permit Board shall consider:

- (a) the construction cost of the facility;
 - (b) any costs to the developer of continuing maintenance required for the facility;
 - (c) the rental value of the increased floor area;
 - (d) the value of any authorized relaxation of other restrictions; and
 - (e) the opinion of City Council.
- 5.3 The Director of Planning may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this Schedule.

Section 11

Additional Regulations

Whenever any of the following uses are permitted in any district pursuant to any provision of this By-law, the following additional regulations shall apply:

- 11.1 Development in an RA, RS, RT or C-1 District**, on a corner site which has located at its rear, with or without the intervention of a lane, a site which fronts on the street flanking the corner site, shall provide:
- (a) in the case of the principal building, a setback from the flanking street of a distance not less than one half of the depth of the required front yard of the rear site, but which need not exceed the greater of 3.7 m or the minimum side yard of the District Schedule, or result in the reduction of the building width on the corner lot to less than 7.9 m so long as the minimum side yards of the district schedule are provided; and
 - (b) in the case of any accessory building, a setback of 7.3 m from the flanking street or as otherwise approved by the Director of Planning.
- 11.2 Development in an RS, RT or C-1 District** on a site which is less than 36.6 m deep may reduce the required depths as follows:
- (a) the front yard to 20 percent of the average depth of the site, except that the front yard shall in no case have a depth of less than 5.5 m;
 - (b) the rear yard to 30 percent of the average depth of the site, except that the rear yard shall in no case have a depth of less than 8.2 m or, where it abuts a lane, 8.2 m less the lane width between the rear property line and the ultimate centre line of the lane.
- 11.3 Development in an M or I (Industrial) District or a CD-1 (Comprehensive Development) District** where the site abuts any portion of the streets, lanes or other areas set forth in Schedule C to this By-law, shall be subject to the following:
- 11.3.1 A setback shall be provided and maintained at a depth as set forth in Schedule C.
 - 11.3.2 No building or structure of any kind, or area for manoeuvring aisles, parking, loading or any other like purpose, shall be permitted within the setback area.
 - 11.3.3 Except as provided for elsewhere in this section, the setback area shall be fully graded and landscaped with trees, shrubs and lawn to the satisfaction of the Director of Planning.
 - 11.3.4 The following may be permitted within the landscaped setback area by the Director of Planning:
 - (a) statuary, fountains and other objects of art;
 - (b) open ornamental fences if necessary for the protection and preservation of landscaping or permitted objects of art;
 - (c) walks or driveways which in the opinion of the Director of Planning may be required to provide direct access to any building or use on the site.
- 11.4 Bed and Breakfast Accommodation** -- subject to the following:
- 11.4.1 A maximum of two bedrooms accommodating a maximum of four bed and breakfast guests may be permitted in a dwelling unit.

11.4.2 The provision of bed and breakfast accommodation shall not be permitted coincidentally with the keeping of boarders and lodgers.

11.4.3 The operator of the bed and breakfast accommodation shall reside in the dwelling unit.

11.5 Riding Ring -- subject to the following:

11.5.1 No riding ring shall be used for the sale, whether by auction or otherwise, of horses or other animals.

11.5.2 In the granting of a development permit, the Director of Planning shall have regard to the size, siting and location of the proposed development, the type and hours of operation, whether operated privately or open to the public with or without payment, generation of traffic, parking facilities and any effect upon adjacent property and the amenity of the neighbourhood, and shall notify such owners of adjoining property as he deems necessary.

11.6 Homecraft -- subject to the following:

11.6.1 No person other than one resident member of the family occupying the dwelling shall be engaged in the homecraft on the premises;

11.6.2 Where located in an R district, there shall be nothing to indicate from the exterior of the dwelling unit or building that it is being used for any purpose other than its principal or approved use;

11.6.3 No products or material shall be sold from or within the dwelling unit;

11.6.4 No products or materials shall be stored outside of the dwelling unit, building or accessory building;

11.6.5 No offensive noise, odour, vibration, smoke, heat or other objectionable effect shall be produced.

11.7 Church -- subject to the following:

11.7.1 The site shall have a minimum frontage of 20.1 m.

11.7.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

11.7.3 Yards shall be provided in accordance with the district schedule except that interior side yards shall have a minimum width of 4.5 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.8 School - Elementary or Secondary -- subject to the following:

11.8.1 The site shall have a minimum frontage of 20.1 m.

11.8.2 The Director of Planning may permit a greater height than permitted by the district schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood.

- 11.8.3 Yards shall be provided in accordance with the district schedule except that side yards shall have a minimum width of 6.0 m plus an additional .3 m for every .6 m by which the height of the building exceeds 10.7 m.

11.9 Hospital -- subject to the following:

- 11.9.1 Before granting a development permit, the Director of Planning shall:

- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
- (b) have due regard to the design of all buildings, to the location and provision of off-street parking and loading, and to their effect on the amenity of the neighbourhood; and
- (c) prior to final consideration, notify adjacent property owners and any others that he deems necessary.

- 11.9.2 In the case of a specifically designed facility not being a conversion:

- (a) the site area shall not be less than 3 700 m² except as provided in clause (b) below;
- (b) the Director of Planning may permit a greater height than permitted by the District Schedule, provided he first considers the effect of the additional height on the amenity of the neighbourhood, and he may therefor require a site area of larger than 3 700 m²;
- (c) the floor space ratio shall not exceed the maximum permitted for any residential use in the particular district schedule.

- 11.9.3 In the case of a hospital resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.10 Full Serve and Split Island Gasoline Stations -- subject to the following:

- 11.10.1 Yard Requirements:

In the case of a full serve or split island gasoline station located in a C-1 District, notwithstanding section 11.1 of this section and the front, side and rear yard regulations as set out in the C-1 Commercial District Schedule:

- (a) the minimum width of the side yard on a street which flanks a corner site shall be 4.5 m;
- (b) a rear yard with a minimum depth of 4.5 m shall be provided, except that where the rear property line of the site adjoins a dedicated lane, the minimum depth of the rear yard may be reduced by the width of that portion of the lane equal to the distance from the ultimate centre line of the lane to the rear line of the site;
- (c) pump islands shall be permitted in the front yard provided that they are set back a minimum distance of 4.5 m from the front property line;
- (d) canopies over the pump islands may be located to the satisfaction of the Director of Planning in the front and side yards as long as all such canopies are set back at least 1.5 m from the front or side property line of the site, as the case may be, and no canopy is longer than 33 percent of the length of the street boundary of the yard in which it is located, to a maximum of 12.2 m.

11.10.2 Outdoor Display of Merchandise:

Notwithstanding any other provisions of this By-law, no merchandise shall be displayed outdoors on any full serve or split island gasoline station site except for the following:

- (a) if located at a pump island, the small sample display of new tires, lubricating oils and automotive accessories;
- (b) if located adjacent to the principal building, tires and vending machines;
- (c) if located within an accessory building approved by the Director of Planning, other merchandise including fireplace logs, garden equipment, garden furniture and similar items.

11.10.3 Vehicles Parked or Stored on Site:

No truck, bus, utility or camper trailer, camper or similar vehicle shall be stored or parked at any time, other than the necessary waiting period for service, on a full serve or split island gasoline station site in a C (commercial) district except for the following:

- (a) in a C-1 District, trucks with a registered gross vehicle weight not exceeding 4 550 kg;
- (b) in all other C districts, trucks and small buses with a registered gross vehicle weight not exceeding 6 825 kg;
- (c) five utility trailers, provided that they do not exceed 1.5 m in width and 3.1 m in length and are located in the rear or side yards;
- (d) one service truck operated by the full serve or split island gasoline station;
- (e) trucks or equipment temporarily required for the construction, repair, servicing or maintenance of the premises.

11.10.4 Provision of Screening and Landscaping:

Full serve or split island gasoline stations in all districts shall be subject to the following:

- (a) except for points of access to and from the perimeter, every full serve or split island gasoline station site shall be screened to the satisfaction of the Director of Planning along those boundaries which adjoin or are across the lane from any R district or any residence in a C, M or I district;
- (b) the site of every full serve or split island gasoline station shall be properly landscaped and maintained with lawns, shrubs, trees or other suitable landscaping of a type and location to the satisfaction of the Director of Planning, such landscaping to constitute a minimum of five percent of the site subject to such minor variations as the Director of Planning may approve.

11.10.5 Vehicular Ingress and Egress (lanes):

The total width of vehicular access to a full serve or split island gasoline station from a lane in a C, M or I district shall not exceed an amount equal to 15 percent of the total length of the lane abutting the site; except that in no case shall the total width of vehicular access be restricted to less than 3.7 m.

- 11.11 [Reserved]
- 11.12 [Reserved]
- 11.13 [Deleted -- see Parking By-law.]
- 11.14 [Deleted -- see Parking By-law.]
- 11.15 [Reserved]
- 11.16 **Neighbourhood Grocery Stores and Dwelling Units in Conjunction with Neighbourhood Grocery Stores**
- 11.16.1 Neighbourhood grocery stores existing as of July 29, 1980 are permitted in any R district except the FM-1 district.
- 11.16.2 The maximum permitted frontage for a site is 15.3 m.
- 11.16.3 The maximum permitted floor area for all retail and storage space is 110 m².
- 11.16.4 The maximum permitted number of indoor and outdoor seats is 16.
- 11.16.5 Live entertainment is not permitted.
- 11.16.6 Before granting a development permit, the Director of Planning must:
- (a) notify surrounding property owners and residents;
 - (b) consider:
 - (i) the design of any proposed building addition;
 - (ii) the proposed solid waste program for collecting, storing and disposal of garbage and recycling; and
 - (iii) the impact on adjacent property owners and residents of a proposed building addition or solid waste program.
- 11.16.7 The Director of Planning may relax the provisions of this section 11.16 with regards to maximum frontage and the applicable zoning district regulations with regards to setbacks, floor space ratio or site coverage, in order to facilitate the rehabilitation of an existing neighbourhood grocery store or dwelling unit in conjunction with neighbourhood grocery store.
- 11.17 **Community Care Facility - Class B; or Group Residence; or Seniors Supportive or Assisted Housing** - subject to the following:
- 11.17.1 Before granting a Development Permit, the Director of Planning shall:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) have due regard to the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood;
 - (c) notify adjacent property owners and any others that he deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.

11.17.2 In the case of a specifically designed facility not being a conversion, the Director of Planning shall establish the minimum site area, having particular regard to:

- (a) the nature of the proposed facility in terms of type of service being provided and number of residents; and
- (b) the character of development within the adjacent neighbourhood.

11.17.3 In the case of a community care facility – class B, group residence, or seniors supportive or assisted housing resulting from the conversion of an existing building, the Director of Planning before granting a development permit shall be satisfied that the building is suitable for the conversion, having regard to the size of the site and building, open space on the site and the proximity of adjacent buildings.

11.18 Artist Studio

Where an artist studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the artist studio.

11.19 Residential Unit Associated with an Artist Studio

11.19.1 The total minimum and maximum size of an Artist Studio when combined with a residential unit associated with and forming an integral part of an Artist Studio shall be 47 m² and 500 m², respectively.

11.20 Wedding Chapel

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m².

11.20.2 The Director of Planning may permit a wedding chapel of a larger size having regard to the siting and location of the proposed development, the type and hours of operation, generation of traffic, parking facilities, and any effect upon adjacent property and the amenity of the neighbourhood, and will notify such owners of adjoining property as the Director of Planning deems necessary.

11.21 Farmers' Market

11.21.1 A Farmers' Market must be in:

- (a) open air stalls or booths;
- (b) stalls or booths partially or totally covered by tents or similar temporary structures; and
- (c) stalls or booths in a building approved for use as a Farmers' Market.

11.21.2 A Farmers' Market must have at least 11 stalls or booths, except that the Director of Planning may permit a lesser number of stalls or booths, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.3 The site area of a Farmers' Market must not exceed 2 323 m², except that the Director of Planning may permit an increase in site area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council.

11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.

11.21.5 No more than 40% of the total number of stalls or booths in a Farmers' Market may be used for the sale of local ready-to-eat foods and local artisan crafts.

11.21.6 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market.

11.22 Small-scale Pharmacy

11.22.1 A small-scale pharmacy must include at least 25 m² of publicly accessible space except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space.

11.22.2 Any development permit for a small-scale pharmacy must be limited in time to two years from the date of issuance.

11.23 Live-Work Use

11.23.1 The size of a live-work unit must be at least 47 m².

11.24 Laneway House

11.24.1 In this section 11.24, "footprint" means the projected area of the extreme outer limits of a laneway house including carports, covered porches, and enclosed or covered accessory building areas but excluding steps, eaves, and such other projections as section 10.7 of this By-law may allow.

11.24.2 In this section 11.24, height is measured from the horizontal datum plane, which is the plane created by the average of the existing site elevations as measured at the intersections of the required setback lines from the ultimate rear property line, with the side property lines.

11.24.3 A laneway house is not permissible except in conjunction with a One-Family Dwelling or One-Family Dwelling with Secondary Suite on:

- (a) a site served by an open lane;
- (b) a site located on a corner served by an open or dedicated lane; or
- (c) a double-fronting site served by a street at both the front and rear of the site.

11.24.4 The width of a site on which a laneway house is situated must be at least 9.8 m, except that the Director of Planning may approve a laneway house on a site which is less than 9.8 m in width, if:

- (a) the site is at least 7.3 m in width; and
- (b) the Director of Planning first considers massing, overlook and impact on neighbourhood privacy and all applicable Council policies and guidelines.

11.24.5 A laneway house may have a basement.

11.24.6 For sites in the RS-3 and RS-3A Districts and the RS-6 District, and for sites 16.8 m or wider in the RS-5 District, the width of a laneway house, or a laneway house and an accessory building, must not exceed the permitted width for an accessory building under the applicable district schedule.

11.24.7 On east-west oriented sites, a laneway house must be located toward the south side of the site to reduce shadowing on the site to the north.

- 11.24.8 A laneway house may be one storey or one storey with a partial second storey.
- 11.24.9 Open balconies, sun decks, and roof decks are not permitted:
- (a) on a one storey laneway house; or
 - (b) above the partial second storey of a laneway house with a partial second storey.
- 11.24.10 The height of a one storey laneway house must not exceed 4.3 m in height measured to the highest point of the roof if a flat roof, or to the mean height level between the eaves and the ridge of a gable or hip roof, except that no portion of a one storey laneway house may exceed 5.2 m in height.
- 11.24.11 The location of a one storey laneway house must be:
- (a) within 10.7 m of the ultimate rear property line;
 - (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
 - (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line on sites less than 30.5 m in depth; and
 - (d) a distance from each side property line equal to at least 10% of the lot width, except that the Director of Planning may relax the location to:
 - (i) 0.6 m from one side property line for interior lots, and
 - (ii) 0.6 m from the inside side property line for corner lots.
- 11.24.12 Notwithstanding 11.24.11(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a one storey laneway house to extend into a site to a maximum of 26% of the lot depth measured from the ultimate rear property line.
- 11.24.13 Site coverage must not exceed the permitted site coverage under the applicable district schedule, except that, for a one storey laneway house, the Director of Planning may permit an increase in the permitted site coverage of up to 7% to a maximum of 47% of the site area.
- 11.24.14 The height of a laneway house with a partial second storey must not exceed:
- (a) 6.7 m to the ridge of a gable or hip roof, with a minimum pitch of 7:12; or
 - (b) 5.8 m to the highest point of a roof with a pitch less than 7:12.
- 11.24.15 On a laneway house with a partial second storey and a roof pitch of:
- (a) at least 7:12, the height of the intersection of the exterior surface of the roof and the exterior wall surface of the building must not exceed 4 m from the horizontal datum plane; or
 - (b) less than 7:12, the walls of the partial second storey must be set back at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.
- 11.24.16 The partial second storey of a laneway house must not exceed:
- (a) 60% of the footprint of the laneway house, if the roof has a minimum pitch of 3:12; or
 - (b) 50% of the footprint of the laneway house, if the roof has a pitch of less than 3:12,
- except that the calculation may exclude any floor area of the partial second storey that is not included in the calculation of floor area according to sections 11.24.24 and 11.24.25.
- 11.24.17 Dormers must be inset at least 0.6 m from the exterior walls of the floor below, except that there may be a single projection into the setback to a maximum of 35% of the width of the floor below.

11.24.18 The location of a laneway house with a partial second storey must be:

- (a) within 7.9 m of the ultimate rear property line;
- (b) at least 4.9 m, measured across the width of the site, from the one-family dwelling or one-family dwelling with secondary suite on the site;
- (c) at least 0.9 m from the ultimate rear property line, except that the Director of Planning may relax the location to 0.6 m from the ultimate rear property line:
 - (i) on sites less than 30.5 m in depth, or
 - (ii) for the width of an existing enclosed or covered parking area that forms part of the laneway house; and
- (d) a distance from each side property line which is at least equal to the required side yards for the site as prescribed by the applicable district schedule.

11.24.19 Notwithstanding 11.24.18(a), where a site is 39.6 m or more in depth, the Director of Planning may permit a laneway house with a partial second storey to extend into a site to a maximum of 21% of the lot depth measured from the ultimate rear property line.

11.24.20 The floor area of a laneway house must not exceed the lesser of:

- (a) 0.16 multiplied by the site area; and
- (b) 83.6 m².

11.24.21 Despite section 10.21, the floor area of a laneway house, excluding any floor area used for enclosed parking, must be at least 26 m², except that the Director of Planning may allow a reduction to not less than 19 m² if the Director of Planning first considers the design of the laneway house and all applicable Council policies and guidelines.

11.24.22 Except for a laneway house with no separate bedrooms, a laneway house must have:

- (a) one main habitable room that is not a bedroom, with a minimum size of 16.7 m² and a minimum dimension of 2.1 m measured between finished wall surfaces; and
- (b) at least one bedroom with a minimum size of 8.4 m² and a minimum dimension of 2.1 m measured between finished wall surfaces.

11.24.23 Computation of floor area for a laneway house must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located;
- (c) the floor area of a basement;
- (d) floor area used for enclosed or covered parking; and
- (e) if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 3.7 m, an additional amount equal to the area of the floor area below the excess.

11.24.24 Computation of floor area for a laneway house must exclude:

- (a) areas of floors located:
 - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
 - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (b) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (c) covered porches if:
 - (i) their location is at the level of the basement or first storey,
 - (ii) they are open on at least one side or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the total excluded floor area does not exceed 3 m², and
- (iv) the ceiling height of the total excluded area does not exceed 2.75 m measured from the porch floor;
- (d) 3% of the total area, where the exterior walls include a minimum of 175 mm of thermal insulation in total.

Where floor area is excluded under section 11.24.24(d), the Director of Planning may vary section 11.24.11(a) and 11.24.18(a) no more than 30 cm.

11.24.25 Computation of floor area for a laneway house may exclude:

- (a) open balconies, sun decks, roof decks, or any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the open balconies, sun decks, or roof decks face the lane or, in the case of a corner site, the lane and flanking street or either of them;
- (b) patios and green roofs if the Director of Planning first approves the design of sunroofs, walls, and railings;
- (c) despite section 11.24.23(e), open to below spaces or double height volumes under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor level to the ceiling does not exceed 4.5 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded area does not exceed 25% of the maximum floor space under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (d), does not exceed 25% of the maximum allowable floor area;
- (d) despite section 11.24.23(e), floor areas under sloping roofs with a pitch of at least 3:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is between 1.2 m and 2.1 m,
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope,
 - (iii) the excluded floor area does not exceed 10% of the maximum floor area allowed under section 11.24.20, and
 - (iv) the excluded area, combined with the excluded area under subsection (c), does not exceed 25% of the maximum allowable floor area;
- (e) for units that have a partial second floor, an area not exceeding 2.75 m² for stairs, if the excluded area, combined with the excluded areas under subsections (c) and (d), does not exceed 25% of the maximum allowable floor area; and
- (f) an area not exceeding 3.7 m² for residential storage space, clothes closets and linen closets.

11.24.26 Private outdoor space must be provided in the form of:

- (a) an open balcony, sun deck, or roof deck; or
- (b) a patio located at grade with a minimum size of 3.7 m² and a minimum dimension of 1.5 m.

11.24.27 The setback provided in accordance with sections 11.24.11(c) and 11.24.18(c) must be permeable and landscaped where not required for vehicle or fire access.

11.24.28 A laneway house must include:

- (a) a minimum 75 mm wide trim around all doors and windows, excluding door sill trim, except where a window or door is recessed no less than 100mm behind the adjacent exterior wall faces; and
- (b) a canopy over the main entry door.

- 11.24.29 A main entry door that faces the lane must be set back at least 1.5 m from the ultimate rear property line.
- 11.24.30 On a corner site, the main entry door of a laneway house must face the flanking street.
- 11.24.31 At least 10% of the building elevation facing the lane must contain windows no smaller than 1.1 m².
- 11.24.32 Unless located at least 1.5 m above the floor of the partial upper storey, or facing the lane or a flanking street, windows with transparent glazing on a partial second storey must not exceed 1.1 m².
- 11.24.33 Wall cladding materials on a building elevation facing a lane or street must be continued in equal proportions, no less than 2.0 m along adjacent side walls or 1.2 m where the discontinuation of a material occurs at a change in the building wall plane, such as at a bay or chimney projection.
- 11.24.34 The Director of Planning may relax the design provisions in section 11.24.15, 11.24.17, 11.24.28, 11.24.29, 11.24.30, 11.24.31, 11.24.32, or 11.24.33 if, in the opinion of the Director of Planning, the design of a laneway house meets the intent of the laneway house regulations for quality and durability of design and architectural expression and is not compatible with one or more of the design requirements in those sections.
- 11.24.35 If the Director of Planning first considers the effects on neighbouring properties with regard to overlook, massing and neighbourhood privacy, and the intent of this section 11.24 and all applicable Council policies and guidelines, the Director of Planning may relax the provisions of sections 11.24.6, 11.24.7, 11.24.10, 11.24.11(a), (c) and (d), 11.24.14, 11.24.18(a), (c) and (d), 11.24.22, and 11.24.26 if:
 - (a) due to topography or other conditions peculiar to the site, literal enforcement would result in unnecessary hardship;
 - (b) the relaxation is necessary to retain a tree; or
 - (c) the relaxation is necessary to allow a green roof that does not have railings or stair access.

11.25 Freehold Rowhouses

- 11.25.1 Computation of floor area, floor space ratio, yards, site coverage, impermeability, number of buildings on site and dwelling unit density must be based on the site width and area at the time of development, prior to any subdivision into individual freehold rowhouse parcels.
- 11.25.2 For the purpose of fee simple subdivision, the minimum site width and frontage for each freehold rowhouse parcel is 5 m.

11.26 Temporary Sales Office

- 11.26.1 The minimum site size shall be 2 000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.
- 11.26.2 The site must be within 100 metres of the development project to which the Temporary Sales Office relates.
- 11.26.3 The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

- 11.26.4 The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district if the applicant can demonstrate that suitable commercial vacancy opportunities are not available.
- 11.26.5 The Director of Planning must consider the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.
- 11.26.6 The site must be fully restored to its original condition immediately following the expiration of a development permit.

11.27 Micro dwelling

- 11.27.1 A micro dwelling must be part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.2 The floor area of a micro dwelling must be at least 29.7 m², except that the Director of Planning or the Development Permit Board may relax the permitted floor area of a micro dwelling to a minimum of 23.2 m² if:
- (a) the Director of Planning or the Development Permit Board first considers all applicable Council policies and guidelines; and
 - (b) the micro dwelling is part of a development which has a covenant or housing agreement registered against title restricting its use to secured market rental housing or social housing, for the longer of 60 years or the life of the building.
- 11.27.3 A micro dwelling is only permitted in:
- (a) the area of the FC-1 District north of National Avenue;
 - (b) the area of the RT-3 and RM-3A districts located north of Venables Street, Malkin Avenue and Prior Street, south of Hastings Street, east of Gore Avenue and west of Clark Drive;
 - (c) the HA-1 and HA-1A districts;
 - (d) the HA-2 district;
 - (e) the Downtown-Eastside Oppenheimer district;
 - (f) the area of the Downtown district denoted as C2 on Map 1 of the Downtown Official Development Plan; and
 - (g) the FC-2 district; and
 - (h) the area of the IC-3 district north of 2nd Avenue.

- 11.27.4 No more than one person shall occupy a micro dwelling.

11.28 Cannabis Store

- 11.28.1 Before granting a development permit, the Director of Planning shall:
- (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
- 11.28.2 A Cannabis Store is not permitted:
- (a) within 300 metres of the nearest property line of a site containing another Cannabis Store;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;

- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;
- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site located on a block where all or part of the street in that block has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.

11.29 Urban Farm - Class A

Notwithstanding anything else in this By-law, Urban Farm - Class A is subject to the following:

- 11.29.1 The planting area must not exceed 325 m² on any single parcel unless the primary use of the parcel is Park or Institutional in which case the Director of Planning may permit an increase in planting area to a maximum of 7 000 m².
- 11.29.2 If two or more parcels are operated jointly as an Urban Farm - Class A, the combined planting area for all parcels must not exceed 7 000 m².
- 11.29.3 No on-site processing of fruits and vegetables, or manufacturing of food products is permitted.
- 11.29.4 No mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.29.5 No herbicides or pesticides are permitted.
- 11.29.6 No on-site sales are permitted, unless the primary use of the parcel is Institutional.
- 11.29.7 No Urban Farm - Class A operated on a single parcel may generate revenue exceeding \$9,999 in any calendar year, unless the primary use of the parcel is Park or Institutional.
- 11.29.8 If an Urban Farm - Class A is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.29.9 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.29.10 No mechanical equipment may be stored outside.
- 11.29.11 Any development permit or waiver of a development permit for an Urban Form-Class A is time limited to 1 year.

11.30 Urban Farm - Class B

Notwithstanding anything else in this By-law, Urban Farm – Class B is subject to the following:

- 11.30.1 The planting area for a single parcel or the combined planting area for all parcels operated jointly as an Urban Farm – Class B, may not exceed 7 000 m², unless relaxed by the Director of Planning due to unnecessary hardship associated with the location, shape or size of the parcel or parcels.

- 11.30.2 If located within 30 m of a residential use, no mechanical equipment may be used other than that designed for household use including lawnmowers, rototillers, garden hoses and pruners.
- 11.30.3 No herbicides or pesticides are permitted.
- 11.30.4 No offensive noise, odour, light, smoke, or vibration or other objectionable effect may be produced.
- 11.30.5 If an Urban Farm - Class B is operated, in whole or in part, by a person other than an owner or full-time resident of the parcel during the farm operation, the planting area must be subject to a lease authorizing the operation of the farm.
- 11.30.6 Any development permit for an Urban Farm Class B is time limited to 1 year.

11.31 Temporary Modular Housing

- 11.31.1 Temporary Modular Housing must be used as Social Housing.
- 11.31.2 Before granting a development permit for Temporary Modular Housing, the Director of Planning must:
- (a) be satisfied that the landscaping and open space provision is appropriate for the size and nature of the development;
 - (b) consider the impact on the livability of neighbouring residents;
 - (c) notify adjacent property owners and any others that Director of Planning deems necessary; and
 - (d) consider all applicable policies and guidelines adopted by Council.
- 11.31.3 A development permit for Temporary Modular Housing must be time limited to a maximum of five years, unless otherwise extended in writing for up to an additional five years by the Director of Planning.

11.32 Short Term Rental Accommodation

- 11.32.1 In this section 11.32,
- “principal residence unit” means the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills.
- “booking” means a confirmed reservation of the dwelling unit, or of one or more bedrooms, as Short Term Rental Accommodation.
- 11.32.2 Short Term Rental Accommodation is only permitted in a lawful dwelling unit, secondary suite, laneway house, or lock-off unit that is a principal residence unit.
- 11.32.3 Short Term Rental Accommodation is not permitted in an accessory building or vehicle.
- 11.32.4 Short Term Rental Accommodation is not permitted in a dwelling unit in combination with Bed and Breakfast Accommodation.

- 11.32.5 No more than two adults may occupy each bedroom used as Short Term Rental Accommodation.
- 11.32.6 Short Term Rental Accommodation is only permitted in dwelling units that comply with all applicable occupancy limits as set out in the Fire By-law.
- 11.32.7 No more than one booking may be permitted as Short Term Rental Accommodation in each dwelling unit at one time.
- 11.32.8 Subject to the provisions of this section 11.32, Short Term Rental Accommodation is permitted in all CD-1 zoning districts where dwelling uses are permitted.
- 11.32.9 Any development permit or exemption from a development permit for a Short Term Rental Accommodation is time limited to two years.

11.33 Character House

- 11.33.1 The Director of Planning may permit more than one entrance facing a front yard or a side yard if the entrances provide access to a dwelling unit in a character house.
- 11.33.2 Computation of floor area in a character house may exclude:
- (a) existing covered porches that:
 - (i) in the opinion of the Director of Planning, are original to the character house,
 - (ii) face a street, and
 - (iii) are open or protected by guard rails which do not exceed the minimum height specified in the Building By-law;
 - (b) areas of undeveloped floors with a ceiling height or height to the underside of joists of less than 2.0 m located below the floors of covered porches complying with subsection (a);
 - (c) floor areas under sloping roofs with a pitch of at least 7:12 if:
 - (i) the vertical distance from the floor to any part of the ceiling is 2.3 m or less, and
 - (ii) the ceiling attaches directly to the underside of the sloping roof rafter and follows its slope; and
 - (d) floors used for off-street parking, not exceeding 6.7 m in length, located in an infill building in conjunction with a retained character house, to a maximum of 42 m².
- 11.33.3 Building depth, in the case of a character house, means the distance from the front exterior wall measured in a straight line to a point directly opposite on the rear exterior wall, except that covered porches that comply with section 11.32.2 (a) may be excluded from the measurement of building depth.
- 11.33.4 Covered porches that comply with section 11.32.2 (a) may project into the required front yard.

11.34 Permitted Floor Area Increase for Low Operational Cost Housing

Notwithstanding the maximum permitted floor area regulation in any District Schedule, the Director of Planning may approve an addition of up to 5 per cent of the floor space ratio for Low Operational Cost Housing containing 6 or more dwelling units, excluding sites that contain rental housing units in the RM-3 zone, provided the Director of Planning first considers all applicable policies and guidelines adopted by Council. This section shall not apply to applications made after December 31, 2025.

Figure 1

