

File No.: 04-1000-20-2020-332

July 6, 2020

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 June 12, 2020 for:

**All records including email, letters and documents regarding the rezoning application for 1778 Davie Street to allow a Cannabis Retail Store. Date range: January 1, 2019 to June 12, 2020.**

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

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

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2020-332); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

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

Yours truly,

[Signature on file]

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

[Barbara.vanfraassen@vancouver.ca](mailto:Barbara.vanfraassen@vancouver.ca)

*453 W. 12th Avenue Vancouver BC V5Y 1V4*

\*If you have any questions, please email us at [foi@vancouver.ca](mailto: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.

:kt

To help expedite submission of your application, please fill out BOTH sides of this information sheet prior to attending the Application Preview counter located in the Development and Building Services Centre, Ground Floor, 515 West 10th Avenue (West Annex, City Hall).

**JOB LOCATION** (Correct and complete addressing is important. Complete this section carefully.)

Address: 1770 Davie St. Specifics: \_\_\_\_\_

Floor Level: Main Suite No: 1778

Legal Description:

Lot(s) 13+14 Block(s) 62 District Lot(s) 185 Plan Number(s) 92

Are you aware of the presence of any contaminated soils on the subject property? ☐ Yes ☒ No

Are you aware of the existence of any contaminated soils studies, reports, soil agreements, or Ministry of Environment orders or letters with respect to the subject property? ☐ Yes ☒ No

Is the building being converted to strata-title ownership? ☐ Yes ☒ No

Note: If you intend to convert an existing building to strata title ownership, please contact Subdivision and Strata Title staff at 604.871.6627 for information on the strata conversion process in advance of the issuance of any permits.

**This area must be completed by the person signing the application form**

Your Name: Chad Cole

Mailing Address: 300-595 Hornby St.

City: Vancouver Postal Code: V6C 2E8

E-mail Address: chadc@donnellygroup.ca

Phone Number: 6044189477 Fax Number: \_\_\_\_\_

Company Name: Lightbox Enterprises Ltd.

Business License Account Number: \_\_\_\_\_

You are the:

01 ☐ Property Owner  
02 ☐ Contractor  
03 ☐ Certified Professional  
04 ☐ Design Professional  
05 ☒ Tenant  
06 ☐ Agent for Owner  
07 ☐ Agent for Tenant  
08 ☐ Consultant  
09 ☐ Non-profit Association  
10 ☐ Civic Department  
98 ☐ Other

Cert. No: \_\_\_\_\_

Note: Contractors/design professionals/consultants MUST have a valid Business License to do work in the City of Vancouver. You may obtain current business license account numbers from the Business License Counter.

Complete the following for ALL applications

Property Owner's Name: 1770 Davie Holdings Ltd., Inc. no. BC1077032

Address: 305-111 Water St. City: Vancouver

Postal Code: V6B 1A7 Phone Number: \_\_\_\_\_

Is the owner aware of this application? ☒ Yes ☐ No

Contractor's Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Business License Account Number: \_\_\_\_\_

Tenant's Name: Lightbox Enterprises Ltd.

Address: 300-595 Hornby St. City: Vancouver

Postal Code: V6C 2E8 Phone Number: 6048993229

Job Contact: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Qualified Professional Contact Name (required for Salvage & Abatement): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Business License Account Number: \_\_\_\_\_



This application is to: (Check applicable boxes)

001 ☐ Construct a new building(s)  
 002 ☐ Add to an existing building  
 003 ☐ Alter the interior/exterior  
 004 ☐ Add to a building and alter the existing portion  
 005 ☐ Add to a building and change the use  
 006 ☐ Add to the building, alter existing portion and change use  
 007 ☐ Interior/exterior alterations and change of use  
 008 ☐ Enclose an area of an existing building (balcony enclosures)  
 011 ☐ Project/Site Permit  
 014 ☒ Change of use  
 015 ☐ Retain use  
 016 ☐ Alter grade (raise or lower grade)  
 022 ☐ Alterations to legalize a suite  
 023 ☐ Alterations for a new suite  
 026 ☐ Demolish  
     ☐ Commercial  
     ☐ Fire damaged building  
     ☐ Non-rental one-family dwelling  
     ☐ Heritage building  
     ☐ Residential rental building  
 028 ☐ Temporary tents  
 030 ☐ Construct a garage/carport  
 031 ☐ Add/alter/demo garage/carport  
 038 ☐ Construct partial - framing, etc.  
 040 ☐ Excavate - valid for project address et al.  
 041 ☐ Move building from another site  
 042 ☐ Move building on the same site  
 043 ☐ Install a pool, fence, tennis court, boat ramp, sign, or similar  
 044 ☐ Upgrade seismic and/or sprinkler  
 045 ☐ Mechanical kitchen exhaust, roof top unit, satellite dish  
 046 ☐ Prefabricated structure placed on site  
 047 ☐ Fire damage repair  
 048 ☐ Flood damage repair  
 050 ☐ Landscape only  
 053 ☐ Building envelope repair

Is this a new tenant? ☒ Yes ☐ No

What is the existing use? Retail

What is the proposed use? Cannabis Retail

How many storeys? \_\_\_\_\_

How many levels of underground parking? \_\_\_\_\_

How many new rooftop units? 0

Describe work to be done:  
 (Complete carefully, Your application will be based on your written description.)  
This application is for  
change of use from  
retail to non-medical  
cannabis retail. We  
are asking for relaxation  
of the 300m distancing  
to schools.

What is the value of the work proposed? (Include cost of plans, material and labour)  
 \$ \_\_\_\_\_

Will any of the following be altered/repaired/installed?  
 Select all that apply:

☐ Electrical    ☐ Gas    ☐ Drain Tile  
☐ Plumbing    ☐ Sprinkler    ☐ Fire Alarm

Sprinkler Contractor's Name: \_\_\_\_\_

Note: If the sprinkler contractor noted on this application changes, please notify the City of Vancouver in writing within 24 hours.

Special Sprinkler Inspection Number SP \_\_\_\_\_

Complete the following for all residential buildings

	Existing	Proposed
Total number of dwelling units:	_____	_____
Total number of housekeeping units:	_____	_____
Total number of sleeping units:	_____	_____

Complete the following related permit information

Development Permit/Application Number DE \_\_\_\_\_

Minor Amendment Number DE \_\_\_\_\_

Building Permit/Application Number BU \_\_\_\_\_

Board of Variance Appeal Number Z \_\_\_\_\_

Combined Permit Application Number DB \_\_\_\_\_

Office Use Only

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Office Use Only                      Invoice #

BU \_\_\_\_\_

DE \_\_\_\_\_

Office Use Only

BU ( WWOP? ) \_\_\_\_\_

DE \_\_\_\_\_

DT \_\_\_\_\_

BG \_\_\_\_\_ f/m \_\_\_\_\_

ENV. PROT. Site Profile \_\_\_\_\_

SUBTOTAL \_\_\_\_\_

SP \_\_\_\_\_

TOTAL \_\_\_\_\_

As owner or owner's agent, I have verified that the information contained within this document and associated applications and plans is correct, and describes a use, a building or a work which complies with all relevant by-laws and statutes. I understand that personal information contained in this form will not be released to the public except as required by law; however, all associated applications and plans will be made publicly available during the development or building application process. I acknowledge that responsibility for by-law compliance rests with the owner and the owner's employees, agents and contractors. I will indemnify and save harmless the City of Vancouver, its officials, employees and agents against all claims, liabilities and expenses of every kind, in respect to anything done or not done pursuant to this application or fact sheet or ensuing permit, including negligence and/or the failure to observe all by-laws, acts or regulations.

SIGNED AT VANCOUVER, B.C. THIS

DAY OF

9 September 2019

DOC/2016/081493 (Revised March 2016)

SIGNATURE OF APPLICANT

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**TITLE SEARCH PRINT**

2019-08-26, 12:39:59

File Reference:

Requestor: Neal Bird

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Title Issued Under</b>	SECTION 137 LAND TITLE ACT
<b>Land Title District</b> Land Title Office	VANCOUVER VANCOUVER
<b>Title Number</b> From Title Number	CA7449540 CA5248690 CA5248691
<b>Application Received</b>	2019-04-16
<b>Application Entered</b>	2019-04-26
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	1770 DAVIE HOLDINGS LTD., INC.NO. BC1077033 #305 - 111 WATER STREET VANCOUVER, BC V6B 1A7
<b>Taxation Authority</b>	Vancouver, City of
<b>Description of Land</b> Parcel Identifier: Legal Description:	030-757-835 PARCEL D (BEING A CONSOLIDATION OF LOTS 13 AND 14, SEE CA7449540) BLOCK 62 DISTRICT LOT 185 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 92
<b>Legal Notations</b>	NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA5248692 FILED 2016-06-09
<b>Charges, Liens and Interests</b> Nature: Registration Number: Registration Date and Time: Registered Owner:	EASEMENT AND INDEMNITY AGREEMENT 271319M 1958-06-03 11:48 CITY OF VANCOUVER
Nature: Registration Number: Registration Date and Time: Registered Owner:	MORTGAGE CA5440586 2016-08-22 09:42 THE TORONTO-DOMINION BANK

**TITLE SEARCH PRINT**

2019-08-26, 12:39:59

File Reference:

Requestor: Neal Bird

Nature: ASSIGNMENT OF RENTS  
Registration Number: CA5440587  
Registration Date and Time: 2016-08-22 09:42  
Registered Owner: THE TORONTO-DOMINION BANK

Nature: STATUTORY RIGHT OF WAY  
Registration Number: CA7683720  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER  
Remarks: PART IN PLAN EPP94193

Nature: COVENANT  
Registration Number: CA7683721  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER

Nature: COVENANT  
Registration Number: CA7683722  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER

Nature: EQUITABLE CHARGE  
Registration Number: CA7683723  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683724  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683720 PRIORITY OVER CA5440586 AND CA5440587

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683725  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683721 PRIORITY OVER CA5440586 AND CA5440587

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683726  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683722 PRIORITY OVER CA5440586 AND CA5440587

**TITLE SEARCH PRINT**

2019-08-26, 12:39:59

File Reference:

Requestor: Neal Bird

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683727  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683723 PRIORITY OVER CA5440586 AND CA5440587

Nature: COVENANT  
Registration Number: CA7683728  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER

Nature: STATUTORY RIGHT OF WAY  
Registration Number: CA7683729  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER  
Remarks: PART IN PLAN EPP94194

Nature: COVENANT  
Registration Number: CA7683730  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER

Nature: COVENANT  
Registration Number: CA7683731  
Registration Date and Time: 2019-08-14 11:50  
Registered Owner: CITY OF VANCOUVER

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683732  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683728 PRIORITY OVER CA5440586 AND CA5440587

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683733  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683729 PRIORITY OVER CA5440586 AND CA5440587

Nature: PRIORITY AGREEMENT  
Registration Number: CA7683734  
Registration Date and Time: 2019-08-14 11:50  
Remarks: GRANTING CA7683730 PRIORITY OVER CA5440586 AND CA5440587

**TITLE SEARCH PRINT**

2019-08-26, 12:39:59

File Reference:

Requestor: Neal Bird

Nature:	PRIORITY AGREEMENT
Registration Number:	CA7683735
Registration Date and Time:	2019-08-14 11:50
Remarks:	GRANTING CA7683731 PRIORITY OVER CA5440586 AND CA5440587

**Duplicate Indefeasible Title**

NONE OUTSTANDING

**Transfers**

NONE

**Pending Applications**

NONE





**Development Permit (DP) Inspection | Permit  
Refusal**

**Inspection Number:** DP-2019-00733-01

**Inspection Date:** 14 Feb 2020

**Inspector:** Name: Rob Waite, Property Use Inspector  
Office Hours: 8 am - 4:30 pm  
Phone: (604) 673-8275

**Address:** 1778 DAVIE STREET  
Vancouver, BC V6G 1W4

**Contractor:**

**Inspection Result: Passed**

**Comments:** Site inspection on Feb 13th revealed that the commercial space is vacant and there is no sign of any activity to modify or renovate the space formerly occupied by the Quick Nickel Clothing company.

**From:** [Sneddon, Giselle](#)  
**To:** s.22(1)  
**Subject:** RE: 1778 Davie - DP-2019-00733  
**Date:** September 30, 2019 9:05:33 AM  
**Attachments:** [ref\\_Cannabis Guidelines.pdf](#)  
[ref\\_DistrSched C-5.pdf](#)  
[Sec11.pdf](#)

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Good morning 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.

Please consider that applicants are within their rights to apply for development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

We require that an applicant provide us with their hours of operation as part of the development application. This is so that we can inform the public about these hours in case they have any objection. This is a conditional application and your thoughts and comments hold a great weight in conjunction with our technical 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.

Kind regards,  
GISELLE SNEDDON | Project Coordinator | Development Review Branch  
Development, Buildings & Licensing  
City of Vancouver | 515 W 10th Ave  
Vancouver | BC V5Y 1V4  
[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)

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

**From:** s.22(1)  
**Sent:** September 27, 2019 1:19 PM  
**To:** Sneddon, Giselle  
**Subject:** 1778 Davie - DP-2019-00733

Dear City Councillors,  
please accept my opposition to granting a development permit for the purpose of opening a Retail Cannabis store at the above location.

Operating hours of Monday to Sunday (7 days per week) from 9:00am to 11:00am.

Opening hours seem odd but since the application won't be granted, I hope, it won't matter!

Thank you.

Best,

s.22(1)

Vancouver, BC

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-5, C-5A and C-6 Districts Schedule (West End Commercial Districts)

### 1 Intent

The intent of this Schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End and to provide for dwelling units in C-5A and C-6 designed to be compatible with commercial uses. This schedule encourages external building design, the scale and function of which is oriented towards pedestrians. The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district because C-5A provides density bonuses for social housing and secured market rental housing. The C-6 district differs from the C-5 and C-5A Districts because the C-6 district provides a transition between the Downtown and the West End by permitting a greater density and scale than the C-5 and C-5A districts.

### 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 as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

#### **2.2 Uses**

2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5, C-5A and C-6 Districts.

2.2.1.A • 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 % of the gross floor area of the principal use.

#### 2.2.1.C [Cultural and Recreational]

- Arts and Culture Indoor Event.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.
- Theatre.

#### 2.2.1.I [Institutional]

- Child Day Care Facility.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.

2.2.1.O [Office]

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

2.2.1.R [Retail]

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

2.2.1.S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.2 The use listed in section 2.2.2 shall be permitted in the C-6 District.

**2.3 Conditions of Use**

2.3.1 All commercial uses listed in section 2.2 of this Schedule and accessory uses thereto shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading activities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) child day care facility.

2.3.2 In C-5A and C-6 no portion of any floor of a dwelling unit, club, social service centre, or child day care facility except for entrances shall be permitted within 2.0 m of street grade along a fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**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 as specified in sections 3.2.1 and 3.2.2, 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;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.



## **3.2 Uses**

3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5, C-5A and C-6 Districts.

3.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.1.A of this Schedule.

3.2.1.AG [Agricultural]

- Urban Farm - Class B.

3.2.1.C [Cultural and Recreational]

- Artist Studio.

3.2.1.D • Deposition or extraction of material so as to alter the configuration of the land. impact on character of the area, pedestrian amenity.

3.2.1.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Detoxification Centre. *compatibility with surrounding uses, size*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*

3.2.1.O [Office]

- Health Enhancement Centre.

3.2.1.P [Parking]

- Parking Area. *pedestrian amenity, compatibility with surrounding uses*

3.2.1.R [Retail]

- Adult Retail Store.
- Cannabis Store.
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Full Serve. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Gasoline Station - Split Island. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Grocery Store with Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Pawnshop. *compatibility with surroundings uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Public Bike Share.
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy.

3.2.1.S [Service]

- Bed and Breakfast Accommodation.
- Cabaret. parking, vehicular circulation, *compatibility with surrounding uses and noise control.*
- Hotel, *design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress.*
- Neighbourhood Public House. *vehicular circulation, compatibility with surrounding uses*
- Print Shop.
- Restaurant - Class 2. *parking, vehicular circulation, compatibility with surrounding uses and noise control.*
- Short Term Rental Accommodation.

3.2.1.U [Utility and Communication]

- Public Utility. *compatibility with surrounding uses, pedestrian amenity, category of facility*
- Recycling Depot.

3.2.1.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.

3.2.2 The uses listed in section 3.2.2 shall be permitted in the C-5 District.

3.2.2.DW [Dwelling]

- Dwelling uses existing on or before February 4, 2014.
- Seniors Supportive or Assisted Housing, existing on or before February 4, 2014.

3.2.2.I [Institutional]

- Community Care Facility – Class B, existing on or before February 4, 2014.
- Group Residence, existing on or before February 4, 2014.

3.2.3 The uses listed in section 3.2.3 may be permitted in the C-5A and C-6 Districts.

3.2.3.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section, *compatibility with use.*
- Residential Unit associated with and forming an integral part of an artist studio.
- Seniors Supportive or Assisted Housing.

3.2.3.I [Institutional]

- Community Care Facility – Class B.
- Group Residence.

### **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 service gasoline station, except that section 11.13.2 of this By-law continues to apply;
  - (c) neighbourhood public house;
  - (d) restaurant;
  - (e) farmers' market;
  - (f) public bike share; and
  - (g) Urban Farm - Class B.
- 3.3.2 In C-5 no portion of any floor of a dwelling unit or community care facility or group residence except for entrances shall be permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

## **4 Regulations**

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

### **4.1 Site Area -- Not Applicable.**

### **4.2 Frontage**

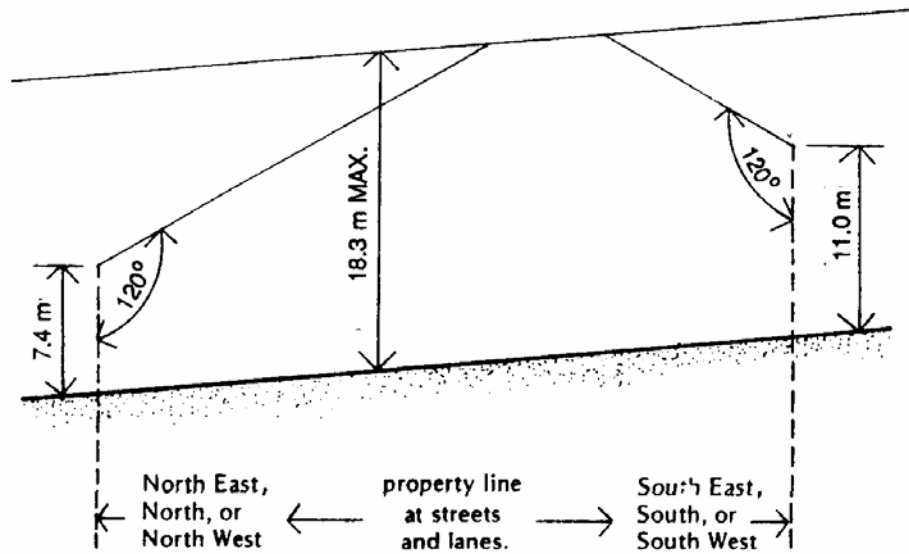
- 4.2.1 In C-5 and C-5A the maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade except a community centre, gasoline service station, parking area, and public school shall be 7.7 m. In C-6, this regulation is not applicable.
- 4.2.2 The Director of Planning or the Development Permit Board, as the case may be, may relax the maximum frontage regulation in section 4.2.1 in the case of a grocery or drug store existing as of May 18, 1993, and for other retail or service uses on the same site, provided that:
- (a) the Director of Planning or the Development Permit Board first considers the intent of this Schedule and is satisfied that the scale of development at the street property line will relate to pedestrians;
  - (b) the site has a frontage exceeding 45.8 m as of May 18, 1993;
  - (c) no more than a total of 50 % of the frontage of the site is occupied by grocery or drug store, or grocery store with liquor store, use and their departments except that this total amount shall be interspersed with other retail or service uses; and
  - (d) windows at the street property line are clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk.

For the purpose of this section 4.2.2 any department of a grocery, or drug store, or grocery store with liquor store, which has its own check-out facility and entrance/exit door to the street shall be deemed to be an individual occupancy.

### **4.3 Height**

- 4.3.1 The maximum height of a building shall be 18.3 m, but no portion of the building shall extend above the envelope illustrated and described in Figure 1. Height shall be determined by a line parallel to a line joining the official established building grades at the property lines. Angles shall be measured from vertical lines at the property lines.

Figure 1. Building Envelope



- 4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building, to a height not exceeding 64 m in the C-5A and C-6 districts and 18.3 m in the C-5 district, if the Director of Planning or the Development Permit Board first considers:
- (a) the impact on neighbourhood livability and environmental quality;
  - (b) the intent of this schedule and all applicable Council policies and guidelines;
  - (c) the submission of any advisory group, property owner or tenant; and
  - (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.
- 4.3.3 The Director of Planning or the Development Permit Board may permit a portion of a building in the C-5, C-5A and C-6 Districts to extend above the building envelope depicted in Figure 1 of section 4.3.1, if the building height does not exceed 18.3 m in the C-5 district and the Director of Planning or the Development Permit Board first considers:
- (a) the impact on neighbourhood livability and environmental quality;
  - (b) the intent of this schedule and all applicable Council policies and guidelines;
  - (c) the submission of any advisory group, property owner or tenant; and
  - (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.
- 4.4 Front Yard**
- 4.4.1 No front yard shall be permitted except where the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.
- 4.5 Side Yards and Setbacks**
- 4.5.1 No side yards shall be permitted except where:
- (a) any portion of a building contains residential uses, that portion may be set back from the side property lines to fulfill provisions of section 4.10; or
  - (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### **4.6 Rear Yard and Setback**

- 4.6.1 No rear yard shall be required except where any portion of a building contains dwelling 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 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 of the lane.
- 4.6.2 The Director of Planning may decrease the rear yard setback for dwelling use, provided the Director of Planning is satisfied that residential livability is achieved for the development site and neighbouring existing or potential residential uses.

#### **4.7 Floor Area and Density**

- 4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that:
- (a) for a hotel existing on or before February 4, 2014, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section; and
  - (b) 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 m<sup>2</sup> 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.
- 4.7.1.2 The Director of Planning may permit an increase in permitted floor area for a hotel existing on September 30, 1986, to a maximum of 5% additional floor area, if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities
- 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 m<sup>2</sup> 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 Computation of floor area shall include:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.6 Computation of floor area shall exclude:
- (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 12% of the residential floor area being provided;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;

- (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 are at or below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

**4.7.7 Computation of floor area may exclude:**

- (a) interior public space, including atria and other similar spaces, provided that:
  - (i) the excluded area shall not exceed the lesser of 10 % of the permitted floor area or 600 m<sup>2</sup>;
  - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
  - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- (b) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10 % of the permitted floor area or 1 000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

**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 increase shall not apply to a hotel where the floor area has already been increased pursuant to section 4.7.1.2 or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(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.

**4.8 Site Coverage -- Not Applicable.**

**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 m<sup>2</sup>.

**4.11 (Reserved)**

**4.12 (Reserved)**

**4.13 (Reserved)**

**4.14 (Reserved)**

**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

**4.16 (Reserved)**

**4.17 External Design**

- 4.17.1 All developments shall provide along all abutting streets any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest to the satisfaction of the Director of Planning.
- 4.17.2 The first storey shall be built to the front and side property lines except as noted in sections 4.4.1 and 4.5.1 while the remaining storeys may terrace back from the property lines.
- 4.17.3 Direct pedestrian access at the fronting street at or near grade level to each individual commercial occupancy which abuts the fronting street of a development site shall be provided.
- 4.17.4 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer shall be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district.

- 4.17.5 That portion of building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be rounded with a minimum radius of 1.8 m, indented or truncated with minimum dimensions of 1.8 m by 1.8 m, or architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.
- 4.17.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be accentuated by variances of height, cupolas, domes, or other architectural appurtenances, or any proposals varying from the above, satisfactory to the Director of Planning.
- 4.17.7 A minimum of one pedestrian entrance to commercial uses shall be provided from the flanking street where the adjoining site on the flanking street is in a C district.
- 4.17.8 All garbage container storage areas shall be screened from view from nearby sidewalks and dwelling units.
- 4.17.9 Mechanical equipment shall be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning. Exposed duct work is not permitted.
- 4.17.10 Dwelling uses shall provide:
- (a) pedestrian access separate from access to other uses;
  - (b) a minimum of one bicycle rack per four dwelling units in an enclosed storage room.

## 5 Relaxation of Regulations

- 5.1** 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 relax for any one building, which includes one or more of such facilities, the maximum floor space ratio 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 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.

- 5.2** The Director of Planning or the Development Permit Board may relax the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:

- (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
- (b) the floor space ratio for non-residential uses in the C-6 district must be no less than 1.2; and
- (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing, except that this does not apply to any portion of floor area increased pursuant to sections 4.7.1.1(b) or 4.7.8.

- 5.3** The Director of Planning or the Development Permit Board may relax the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and:
- (a) the maximum height does not exceed 91.4 m.; and
  - (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.

## 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 m<sup>2</sup> 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 m<sup>2</sup>;
- (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 m<sup>2</sup>.
- 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 m<sup>2</sup> and 500 m<sup>2</sup>, respectively.

#### **11.20 Wedding Chapel**

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m<sup>2</sup>.

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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup>.

## **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 m<sup>2</sup>.

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 m<sup>2</sup>, except that the Director of Planning may allow a reduction to not less than 19 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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.

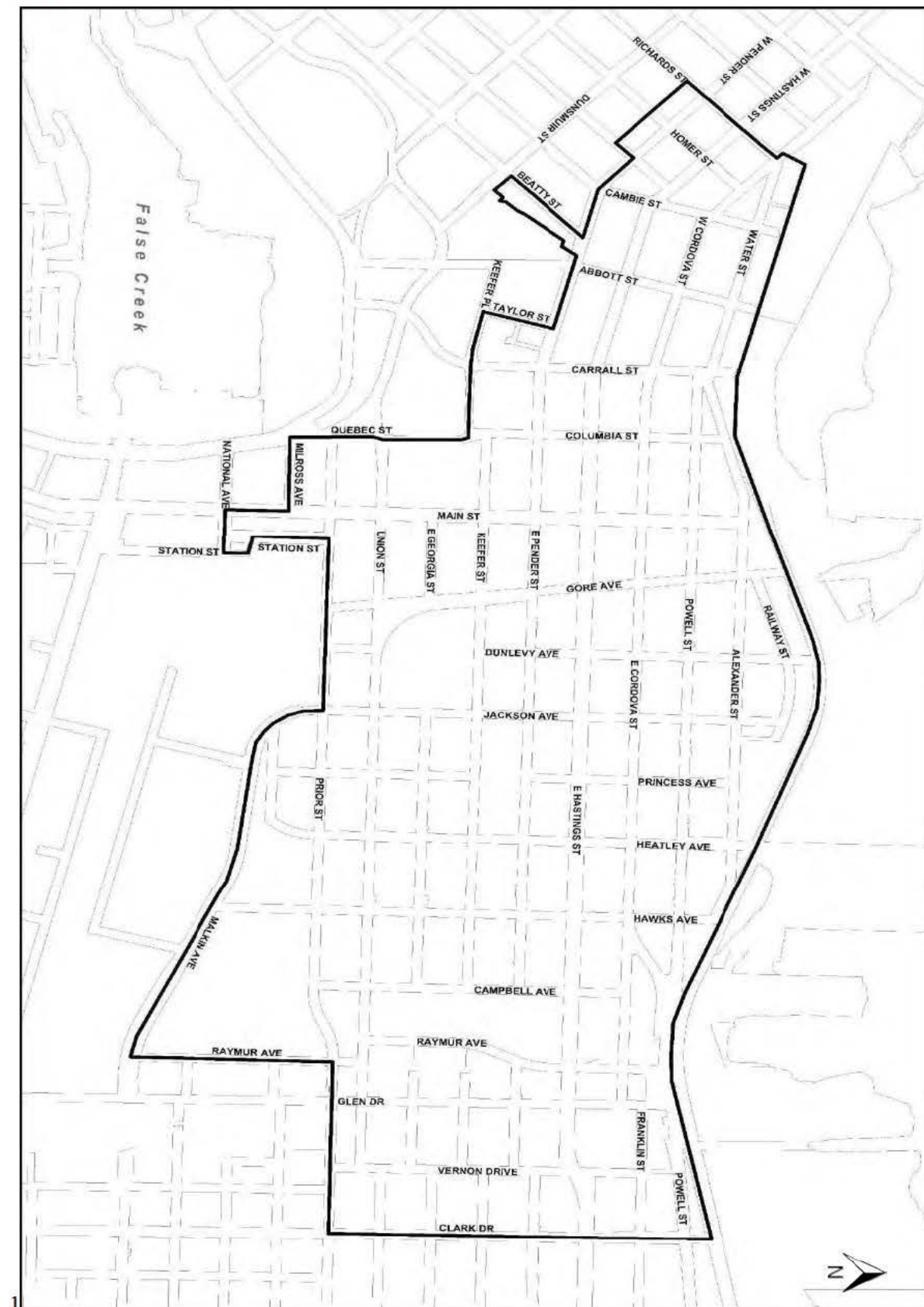
### **11.33 Character House**

- 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 m<sup>2</sup>.
- 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:** [Sneddon, Giselle](#)  
**To:** s.22(1)  
**Subject:** RE: 1778 Davie Street: DP 2019-00733  
**Date:** September 30, 2019 9:02:01 AM  
**Attachments:** [ref\\_Cannabis Guidelines.pdf](#)  
[ref\\_DistrSched\\_C-5.pdf](#)  
[Sec11.pdf](#)  
[image001.png](#)

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Good morning 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.

Please consider that applicants are within their rights **to apply for** development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 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>”

Additionally, this is a conditional application and therefore your comments and concerns hold great weight in our technical 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.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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**From:** s.22(1)  
**Sent:** September 27, 2019 11:50 AM  
**To:** Sneddon, Giselle  
**Subject:** 1778 Davie Street: DP 2019-00733

Regarding the above I am absolutely opposed to this Cannabis store going in. We already have far too many Cannabis stores in the West End and it's becoming ridiculous. This is not what the West End is about. There is a school in very close proximity to this address and it should not be allowed.

Thank you.

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-5, C-5A and C-6 Districts Schedule (West End Commercial Districts)

### 1 Intent

The intent of this Schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End and to provide for dwelling units in C-5A and C-6 designed to be compatible with commercial uses. This schedule encourages external building design, the scale and function of which is oriented towards pedestrians. The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district because C-5A provides density bonuses for social housing and secured market rental housing. The C-6 district differs from the C-5 and C-5A Districts because the C-6 district provides a transition between the Downtown and the West End by permitting a greater density and scale than the C-5 and C-5A districts.

### 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 as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

#### **2.2 Uses**

2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5, C-5A and C-6 Districts.

2.2.1.A • 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 % of the gross floor area of the principal use.

#### 2.2.1.C [Cultural and Recreational]

- Arts and Culture Indoor Event.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.
- Theatre.

#### 2.2.1.I [Institutional]

- Child Day Care Facility.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.

2.2.1.O [Office]

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

2.2.1.R [Retail]

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

2.2.1.S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.2 The use listed in section 2.2.2 shall be permitted in the C-6 District.

**2.3 Conditions of Use**

2.3.1 All commercial uses listed in section 2.2 of this Schedule and accessory uses thereto shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading activities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) child day care facility.

2.3.2 In C-5A and C-6 no portion of any floor of a dwelling unit, club, social service centre, or child day care facility except for entrances shall be permitted within 2.0 m of street grade along a fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**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 as specified in sections 3.2.1 and 3.2.2, 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;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.

## 3.2 Uses

3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5, C-5A and C-6 Districts.

3.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.1.A of this Schedule.

3.2.1.AG [Agricultural]

- Urban Farm - Class B.

3.2.1.C [Cultural and Recreational]

- Artist Studio.

3.2.1.D • Deposition or extraction of material so as to alter the configuration of the land. impact on character of the area, pedestrian amenity.

3.2.1.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Detoxification Centre. *compatibility with surrounding uses, size*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*

3.2.1.O [Office]

- Health Enhancement Centre.

3.2.1.P [Parking]

- Parking Area. *pedestrian amenity, compatibility with surrounding uses*

3.2.1.R [Retail]

- Adult Retail Store.
- Cannabis Store.
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Full Serve. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Gasoline Station - Split Island. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Grocery Store with Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Pawnshop. *compatibility with surroundings uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Public Bike Share.
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy.

3.2.1.S [Service]

- Bed and Breakfast Accommodation.
- Cabaret. parking, vehicular circulation, *compatibility with surrounding uses and noise control.*
- Hotel, *design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress.*
- Neighbourhood Public House. *vehicular circulation, compatibility with surrounding uses*
- Print Shop.
- Restaurant - Class 2. *parking, vehicular circulation, compatibility with surrounding uses and noise control.*
- Short Term Rental Accommodation.

3.2.1.U [Utility and Communication]

- Public Utility. *compatibility with surrounding uses, pedestrian amenity, category of facility*
- Recycling Depot.

3.2.1.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.

3.2.2 The uses listed in section 3.2.2 shall be permitted in the C-5 District.

3.2.2.DW [Dwelling]

- Dwelling uses existing on or before February 4, 2014.
- Seniors Supportive or Assisted Housing, existing on or before February 4, 2014.

3.2.2.I [Institutional]

- Community Care Facility – Class B, existing on or before February 4, 2014.
- Group Residence, existing on or before February 4, 2014.

3.2.3 The uses listed in section 3.2.3 may be permitted in the C-5A and C-6 Districts.

3.2.3.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section, *compatibility with use.*
- Residential Unit associated with and forming an integral part of an artist studio.
- Seniors Supportive or Assisted Housing.

3.2.3.I [Institutional]

- Community Care Facility – Class B.
- Group Residence.

### **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 service gasoline station, except that section 11.13.2 of this By-law continues to apply;
  - (c) neighbourhood public house;
  - (d) restaurant;
  - (e) farmers' market;
  - (f) public bike share; and
  - (g) Urban Farm - Class B.
- 3.3.2 In C-5 no portion of any floor of a dwelling unit or community care facility or group residence except for entrances shall be permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

## **4 Regulations**

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

### **4.1 Site Area -- Not Applicable.**

### **4.2 Frontage**

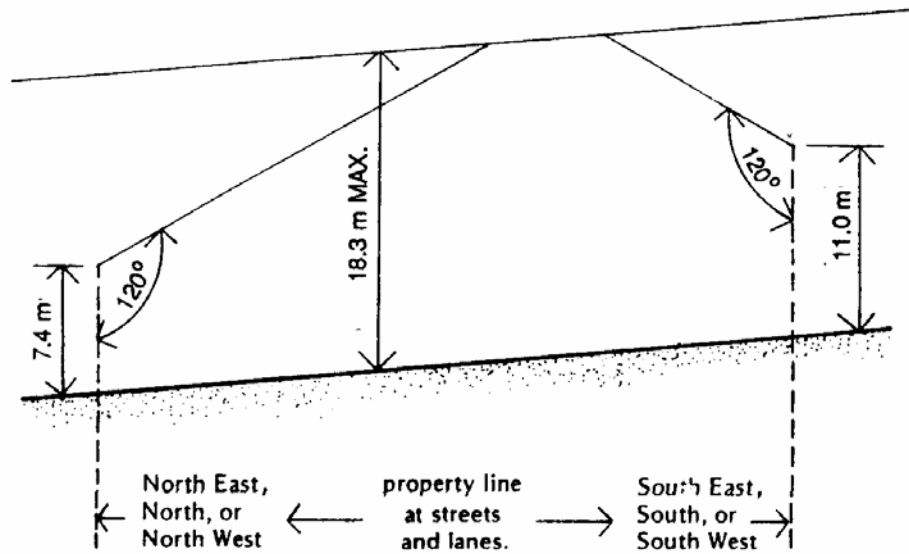
- 4.2.1 In C-5 and C-5A the maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade except a community centre, gasoline service station, parking area, and public school shall be 7.7 m. In C-6, this regulation is not applicable.
- 4.2.2 The Director of Planning or the Development Permit Board, as the case may be, may relax the maximum frontage regulation in section 4.2.1 in the case of a grocery or drug store existing as of May 18, 1993, and for other retail or service uses on the same site, provided that:
- (a) the Director of Planning or the Development Permit Board first considers the intent of this Schedule and is satisfied that the scale of development at the street property line will relate to pedestrians;
  - (b) the site has a frontage exceeding 45.8 m as of May 18, 1993;
  - (c) no more than a total of 50 % of the frontage of the site is occupied by grocery or drug store, or grocery store with liquor store, use and their departments except that this total amount shall be interspersed with other retail or service uses; and
  - (d) windows at the street property line are clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk.

For the purpose of this section 4.2.2 any department of a grocery, or drug store, or grocery store with liquor store, which has its own check-out facility and entrance/exit door to the street shall be deemed to be an individual occupancy.

### **4.3 Height**

- 4.3.1 The maximum height of a building shall be 18.3 m, but no portion of the building shall extend above the envelope illustrated and described in Figure 1. Height shall be determined by a line parallel to a line joining the official established building grades at the property lines. Angles shall be measured from vertical lines at the property lines.

Figure 1. Building Envelope



4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building, to a height not exceeding 64 m in the C-5A and C-6 districts and 18.3 m in the C-5 district, if the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

4.3.3 The Director of Planning or the Development Permit Board may permit a portion of a building in the C-5, C-5A and C-6 Districts to extend above the building envelope depicted in Figure 1 of section 4.3.1, if the building height does not exceed 18.3 m in the C-5 district and the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

#### 4.4 Front Yard

4.4.1 No front yard shall be permitted except where the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### 4.5 Side Yards and Setbacks

4.5.1 No side yards shall be permitted except where:

- (a) any portion of a building contains residential uses, that portion may be set back from the side property lines to fulfill provisions of section 4.10; or
- (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.



#### **4.6 Rear Yard and Setback**

- 4.6.1 No rear yard shall be required except where any portion of a building contains dwelling 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 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 of the lane.
- 4.6.2 The Director of Planning may decrease the rear yard setback for dwelling use, provided the Director of Planning is satisfied that residential livability is achieved for the development site and neighbouring existing or potential residential uses.

#### **4.7 Floor Area and Density**

- 4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that:
- (a) for a hotel existing on or before February 4, 2014, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section; and
  - (b) 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 m<sup>2</sup> 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.
- 4.7.1.2 The Director of Planning may permit an increase in permitted floor area for a hotel existing on September 30, 1986, to a maximum of 5% additional floor area, if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities
- 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 m<sup>2</sup> 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 Computation of floor area shall include:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.6 Computation of floor area shall exclude:
- (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 12% of the residential floor area being provided;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;

- (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 are at or below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 Computation of floor area may exclude:

- (a) interior public space, including atria and other similar spaces, provided that:
  - (i) the excluded area shall not exceed the lesser of 10 % of the permitted floor area or 600 m<sup>2</sup>;
  - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
  - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- (b) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10 % of the permitted floor area or 1 000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

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 increase shall not apply to a hotel where the floor area has already been increased pursuant to section 4.7.1.2 or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(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.

**4.8 Site Coverage -- Not Applicable.**

**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 m<sup>2</sup>.

**4.11 (Reserved)**

**4.12 (Reserved)**

**4.13 (Reserved)**

**4.14 (Reserved)**

**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

**4.16 (Reserved)**

**4.17 External Design**

- 4.17.1 All developments shall provide along all abutting streets any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest to the satisfaction of the Director of Planning.
- 4.17.2 The first storey shall be built to the front and side property lines except as noted in sections 4.4.1 and 4.5.1 while the remaining storeys may terrace back from the property lines.
- 4.17.3 Direct pedestrian access at the fronting street at or near grade level to each individual commercial occupancy which abuts the fronting street of a development site shall be provided.
- 4.17.4 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer shall be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district.

- 4.17.5 That portion of building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be rounded with a minimum radius of 1.8 m, indented or truncated with minimum dimensions of 1.8 m by 1.8 m, or architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.
- 4.17.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be accentuated by variances of height, cupolas, domes, or other architectural appurtenances, or any proposals varying from the above, satisfactory to the Director of Planning.
- 4.17.7 A minimum of one pedestrian entrance to commercial uses shall be provided from the flanking street where the adjoining site on the flanking street is in a C district.
- 4.17.8 All garbage container storage areas shall be screened from view from nearby sidewalks and dwelling units.
- 4.17.9 Mechanical equipment shall be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning. Exposed duct work is not permitted.
- 4.17.10 Dwelling uses shall provide:
- (a) pedestrian access separate from access to other uses;
  - (b) a minimum of one bicycle rack per four dwelling units in an enclosed storage room.

## 5 Relaxation of Regulations

- 5.1** 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 relax for any one building, which includes one or more of such facilities, the maximum floor space ratio 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 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.

- 5.2** The Director of Planning or the Development Permit Board may relax the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:

- (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
- (b) the floor space ratio for non-residential uses in the C-6 district must be no less than 1.2; and
- (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing, except that this does not apply to any portion of floor area increased pursuant to sections 4.7.1.1(b) or 4.7.8.

**5.3** The Director of Planning or the Development Permit Board may relax the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and:

- (a) the maximum height does not exceed 91.4 m.; and
- (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.

## 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 m<sup>2</sup> 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 m<sup>2</sup>;
- (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 m<sup>2</sup>.
- 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 m<sup>2</sup> and 500 m<sup>2</sup>, respectively.

#### **11.20 Wedding Chapel**

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m<sup>2</sup>.

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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup>.

## **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 m<sup>2</sup>.

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 m<sup>2</sup>, except that the Director of Planning may allow a reduction to not less than 19 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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.

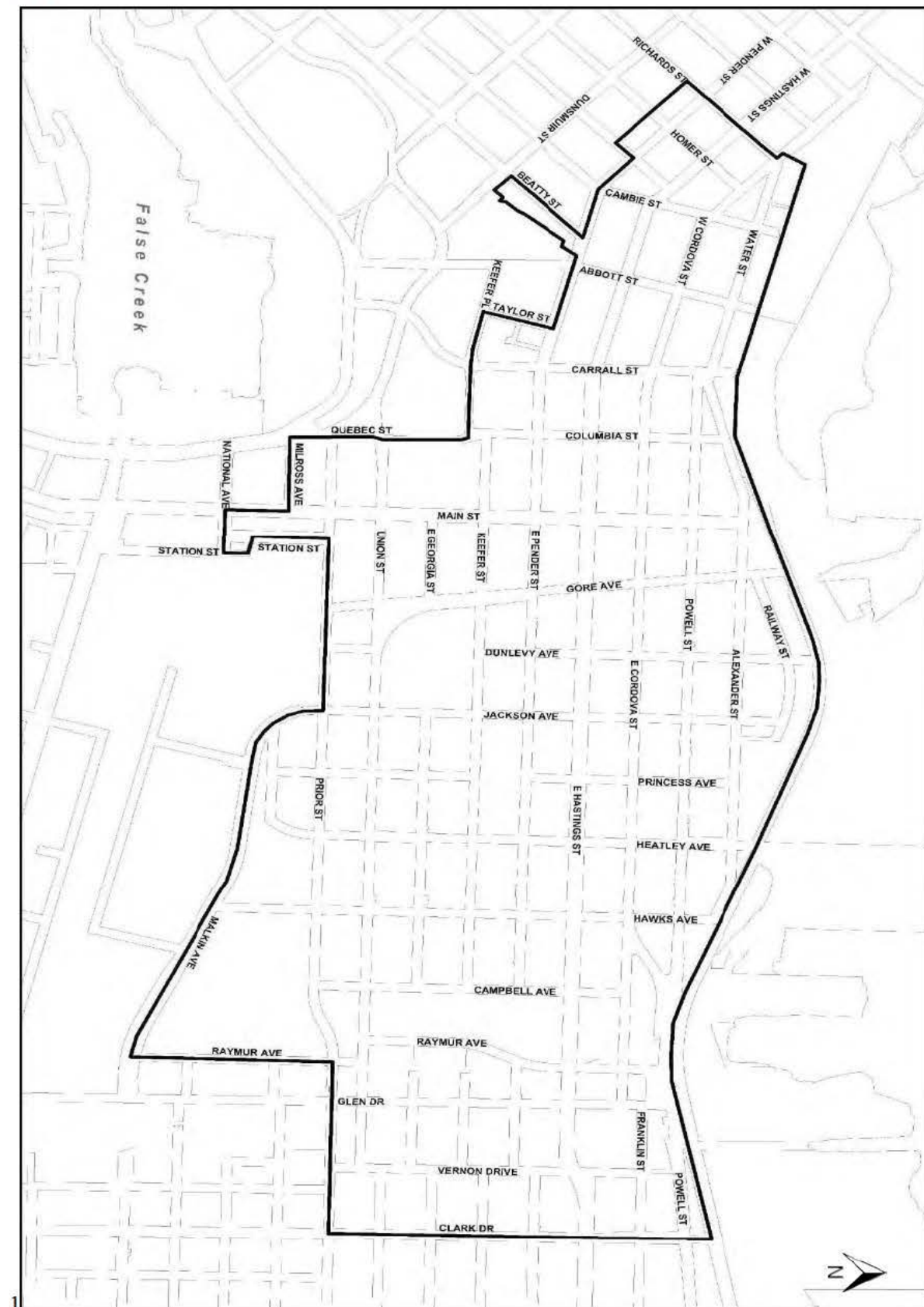
### **11.33 Character House**

- 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 m<sup>2</sup>.
- 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:** [Sneddon, Giselle](#)  
**To:** [s.22\(1\)](#)  
**Subject:** RE: DP -2019-00733  
**Date:** October 15, 2019 9:25:35 AM  
**Attachments:** [image001.png](#)

---

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

Yes of course. It is only for us to gain the context in which the neighbourhood responds.

Have a great week.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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---

**From:** [s.22\(1\)](#)  
**Sent:** October 15, 2019 9:18 AM  
**To:** Sneddon, Giselle  
**Subject:** Re: DP -2019-00733

Hello Giselle ,

Thank you for your email and information.

My name is [s.22\(1\)](#) and I reside at [s.22\(1\)](#) I trust that this information is only used to determine my proximity to the proposed location.

Thank you ,  
[s.22\(1\)](#)

On Oct 15, 2019, at 8:52 AM, Sneddon, Giselle <[Giselle.Sneddon@vancouver.ca](mailto:Giselle.Sneddon@vancouver.ca)> wrote:

Good morning,

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.

Please consider that applicants are within their rights **to apply for** development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 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”](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). 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.

Could you please provide me with your full name and address? This information will only be used to determine your proximity to the proposed site.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)

<image001.png>

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

From: s.22(1)

Sent: October 11, 2019 4:24 PM

To: Sneddon, Giselle

Subject: DP -2019-00733

Attn. Giselle Sneddon

Project Coordinator

To Whom it May Concern,

I write to express concern over the application for a retail cannabis store at this location .

This location is within a mixed use , but increasingly residential area. A few nearby new residential buildings currently under construction on Davie are, in part , family oriented, if size of units are an indication . This location is also very close to the elementary school on Bidwell. I question why we would desire a cannabis store in this area, given the residential distribution and component.

I realize that cannabis use is legal , however , I have concerns about where it may be sold. History and experience has shown that cannabis stores have, at times, created gatherings of users on the public sidewalks/ property right outside of the establishment. Pot smoke is not desirable in public walkways that are so close to residential homes and also especially as one approaches the gem of Stanley Park. I don't see how the gathering of people outside a cannabis store would be eliminated.

This is also the second application for a nearby cannabis retail outlet, with the other one being about a block away! Do we really need that many cannabis retail outlets in this area?

Please consider these comments in the decisions made.

Thank you from a concerned nearby resident.

Sincerely,

s.22(1)

<ref\_CannabisGuidelines.pdf>

<ref\_DistrSched\_C-5.pdf>

<Sec11.pdf>



**From:** [Sneddon, Giselle](#)  
**To:** [s.22\(1\)](#)  
**Subject:** RE: DP-2019-00733  
**Date:** September 30, 2019 4:00:55 PM  
**Attachments:** [ref\\_Cannabis Guidelines.pdf](#)  
[ref\\_DistrSched\\_C-5.pdf](#)  
[Sec11.pdf](#)  
[image001.png](#)

---

Good afternoon [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.

Please consider that applicants are within their rights **to apply for** development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 Cannabis Store
- Guidelines for Medical marijuana-related uses near youth facilities

The COU is remaining as retail, but it will be changing to Cannabis Retail (the sale of non-medical cannabis products).

Would you be able to elaborate further on why you do not wish the use to change to Cannabis Retail?

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.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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**From:** s.22(1)  
**Sent:** September 30, 2019 1:55 PM  
**To:** Sneddon, Giselle  
**Subject:** Re: DP-2019-00733

signed s.22(1)  
ala s.22(1)

On Mon, 30 Sep 2019 at 13:51, s.22(1) wrote:

Re: 1778 Davie St.

Dear Giselle Sneddon

Kindly note that I prefer that Lightbox Enterprises Ltd keep the store as Retail and Retail only.

Thank you

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-5, C-5A and C-6 Districts Schedule (West End Commercial Districts)

### 1 Intent

The intent of this Schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End and to provide for dwelling units in C-5A and C-6 designed to be compatible with commercial uses. This schedule encourages external building design, the scale and function of which is oriented towards pedestrians. The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district because C-5A provides density bonuses for social housing and secured market rental housing. The C-6 district differs from the C-5 and C-5A Districts because the C-6 district provides a transition between the Downtown and the West End by permitting a greater density and scale than the C-5 and C-5A districts.

### 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 as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

#### **2.2 Uses**

2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5, C-5A and C-6 Districts.

2.2.1.A • 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 % of the gross floor area of the principal use.

#### 2.2.1.C [Cultural and Recreational]

- Arts and Culture Indoor Event.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.
- Theatre.

#### 2.2.1.I [Institutional]

- Child Day Care Facility.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.

2.2.1.O [Office]

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

2.2.1.R [Retail]

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

2.2.1.S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.2 The use listed in section 2.2.2 shall be permitted in the C-6 District.

**2.3 Conditions of Use**

2.3.1 All commercial uses listed in section 2.2 of this Schedule and accessory uses thereto shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading activities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) child day care facility.

2.3.2 In C-5A and C-6 no portion of any floor of a dwelling unit, club, social service centre, or child day care facility except for entrances shall be permitted within 2.0 m of street grade along a fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**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 as specified in sections 3.2.1 and 3.2.2, 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;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.

## 3.2 Uses

3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5, C-5A and C-6 Districts.

3.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.1.A of this Schedule.

3.2.1.AG [Agricultural]

- Urban Farm - Class B.

3.2.1.C [Cultural and Recreational]

- Artist Studio.

3.2.1.D • Deposition or extraction of material so as to alter the configuration of the land. impact on character of the area, pedestrian amenity.

3.2.1.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Detoxification Centre. *compatibility with surrounding uses, size*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*

3.2.1.O [Office]

- Health Enhancement Centre.

3.2.1.P [Parking]

- Parking Area. *pedestrian amenity, compatibility with surrounding uses*

3.2.1.R [Retail]

- Adult Retail Store.
- Cannabis Store.
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Full Serve. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Gasoline Station - Split Island. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Grocery Store with Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Pawnshop. *compatibility with surroundings uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Public Bike Share.
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy.

3.2.1.S [Service]

- Bed and Breakfast Accommodation.
- Cabaret. parking, vehicular circulation, *compatibility with surrounding uses and noise control.*
- Hotel, *design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress.*
- Neighbourhood Public House. *vehicular circulation, compatibility with surrounding uses*
- Print Shop.
- Restaurant - Class 2. *parking, vehicular circulation, compatibility with surrounding uses and noise control.*
- Short Term Rental Accommodation.

3.2.1.U [Utility and Communication]

- Public Utility. *compatibility with surrounding uses, pedestrian amenity, category of facility*
- Recycling Depot.

3.2.1.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.

3.2.2 The uses listed in section 3.2.2 shall be permitted in the C-5 District.

3.2.2.DW [Dwelling]

- Dwelling uses existing on or before February 4, 2014.
- Seniors Supportive or Assisted Housing, existing on or before February 4, 2014.

3.2.2.I [Institutional]

- Community Care Facility – Class B, existing on or before February 4, 2014.
- Group Residence, existing on or before February 4, 2014.

3.2.3 The uses listed in section 3.2.3 may be permitted in the C-5A and C-6 Districts.

3.2.3.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section, *compatibility with use.*
- Residential Unit associated with and forming an integral part of an artist studio.
- Seniors Supportive or Assisted Housing.

3.2.3.I [Institutional]

- Community Care Facility – Class B.
- Group Residence.

### **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 service gasoline station, except that section 11.13.2 of this By-law continues to apply;
  - (c) neighbourhood public house;
  - (d) restaurant;
  - (e) farmers' market;
  - (f) public bike share; and
  - (g) Urban Farm - Class B.
- 3.3.2 In C-5 no portion of any floor of a dwelling unit or community care facility or group residence except for entrances shall be permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

## **4 Regulations**

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

### **4.1 Site Area -- Not Applicable.**

### **4.2 Frontage**

- 4.2.1 In C-5 and C-5A the maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade except a community centre, gasoline service station, parking area, and public school shall be 7.7 m. In C-6, this regulation is not applicable.
- 4.2.2 The Director of Planning or the Development Permit Board, as the case may be, may relax the maximum frontage regulation in section 4.2.1 in the case of a grocery or drug store existing as of May 18, 1993, and for other retail or service uses on the same site, provided that:
- (a) the Director of Planning or the Development Permit Board first considers the intent of this Schedule and is satisfied that the scale of development at the street property line will relate to pedestrians;
  - (b) the site has a frontage exceeding 45.8 m as of May 18, 1993;
  - (c) no more than a total of 50 % of the frontage of the site is occupied by grocery or drug store, or grocery store with liquor store, use and their departments except that this total amount shall be interspersed with other retail or service uses; and
  - (d) windows at the street property line are clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk.

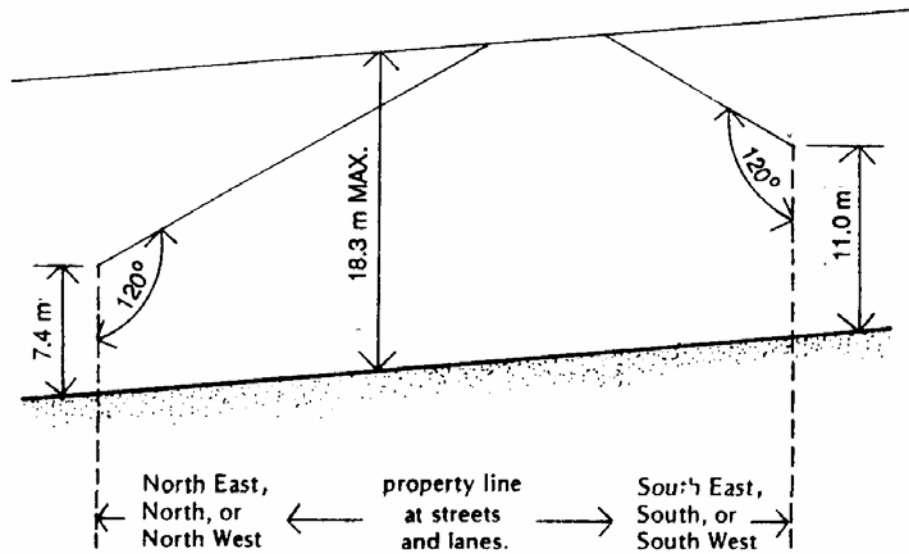
For the purpose of this section 4.2.2 any department of a grocery, or drug store, or grocery store with liquor store, which has its own check-out facility and entrance/exit door to the street shall be deemed to be an individual occupancy.

### **4.3 Height**

- 4.3.1 The maximum height of a building shall be 18.3 m, but no portion of the building shall extend above the envelope illustrated and described in Figure 1. Height shall be determined by a line parallel to a line joining the official established building grades at the property lines. Angles shall be measured from vertical lines at the property lines.



Figure 1. Building Envelope



4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building, to a height not exceeding 64 m in the C-5A and C-6 districts and 18.3 m in the C-5 district, if the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

4.3.3 The Director of Planning or the Development Permit Board may permit a portion of a building in the C-5, C-5A and C-6 Districts to extend above the building envelope depicted in Figure 1 of section 4.3.1, if the building height does not exceed 18.3 m in the C-5 district and the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

#### 4.4 Front Yard

4.4.1 No front yard shall be permitted except where the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### 4.5 Side Yards and Setbacks

4.5.1 No side yards shall be permitted except where:

- (a) any portion of a building contains residential uses, that portion may be set back from the side property lines to fulfill provisions of section 4.10; or
- (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### **4.6 Rear Yard and Setback**

- 4.6.1 No rear yard shall be required except where any portion of a building contains dwelling 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 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 of the lane.
- 4.6.2 The Director of Planning may decrease the rear yard setback for dwelling use, provided the Director of Planning is satisfied that residential livability is achieved for the development site and neighbouring existing or potential residential uses.

#### **4.7 Floor Area and Density**

- 4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that:
- (a) for a hotel existing on or before February 4, 2014, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section; and
  - (b) 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 m<sup>2</sup> 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.
- 4.7.1.2 The Director of Planning may permit an increase in permitted floor area for a hotel existing on September 30, 1986, to a maximum of 5% additional floor area, if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities
- 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 m<sup>2</sup> 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 Computation of floor area shall include:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.6 Computation of floor area shall exclude:
- (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 12% of the residential floor area being provided;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;

- (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 are at or below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

**4.7.7 Computation of floor area may exclude:**

- (a) interior public space, including atria and other similar spaces, provided that:
  - (i) the excluded area shall not exceed the lesser of 10 % of the permitted floor area or 600 m<sup>2</sup>;
  - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
  - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- (b) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10 % of the permitted floor area or 1 000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

**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 increase shall not apply to a hotel where the floor area has already been increased pursuant to section 4.7.1.2 or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(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.

**4.8 Site Coverage -- Not Applicable.**

**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 m<sup>2</sup>.

**4.11 (Reserved)**

**4.12 (Reserved)**

**4.13 (Reserved)**

**4.14 (Reserved)**

**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

**4.16 (Reserved)**

**4.17 External Design**

- 4.17.1 All developments shall provide along all abutting streets any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest to the satisfaction of the Director of Planning.
- 4.17.2 The first storey shall be built to the front and side property lines except as noted in sections 4.4.1 and 4.5.1 while the remaining storeys may terrace back from the property lines.
- 4.17.3 Direct pedestrian access at the fronting street at or near grade level to each individual commercial occupancy which abuts the fronting street of a development site shall be provided.
- 4.17.4 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer shall be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district.

- 4.17.5 That portion of building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be rounded with a minimum radius of 1.8 m, indented or truncated with minimum dimensions of 1.8 m by 1.8 m, or architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.
- 4.17.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be accentuated by variances of height, cupolas, domes, or other architectural appurtenances, or any proposals varying from the above, satisfactory to the Director of Planning.
- 4.17.7 A minimum of one pedestrian entrance to commercial uses shall be provided from the flanking street where the adjoining site on the flanking street is in a C district.
- 4.17.8 All garbage container storage areas shall be screened from view from nearby sidewalks and dwelling units.
- 4.17.9 Mechanical equipment shall be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning. Exposed duct work is not permitted.
- 4.17.10 Dwelling uses shall provide:
- (a) pedestrian access separate from access to other uses;
  - (b) a minimum of one bicycle rack per four dwelling units in an enclosed storage room.

## 5 Relaxation of Regulations

- 5.1** 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 relax for any one building, which includes one or more of such facilities, the maximum floor space ratio 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 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.

- 5.2** The Director of Planning or the Development Permit Board may relax the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:

- (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
- (b) the floor space ratio for non-residential uses in the C-6 district must be no less than 1.2; and
- (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing, except that this does not apply to any portion of floor area increased pursuant to sections 4.7.1.1(b) or 4.7.8.

**5.3** The Director of Planning or the Development Permit Board may relax the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and:

- (a) the maximum height does not exceed 91.4 m.; and
- (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.

## 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 m<sup>2</sup> 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 m<sup>2</sup>;
- (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 m<sup>2</sup>.
- 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 m<sup>2</sup> and 500 m<sup>2</sup>, respectively.

#### **11.20 Wedding Chapel**

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m<sup>2</sup>.

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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup>.

## **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 m<sup>2</sup>.

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 m<sup>2</sup>, except that the Director of Planning may allow a reduction to not less than 19 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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.

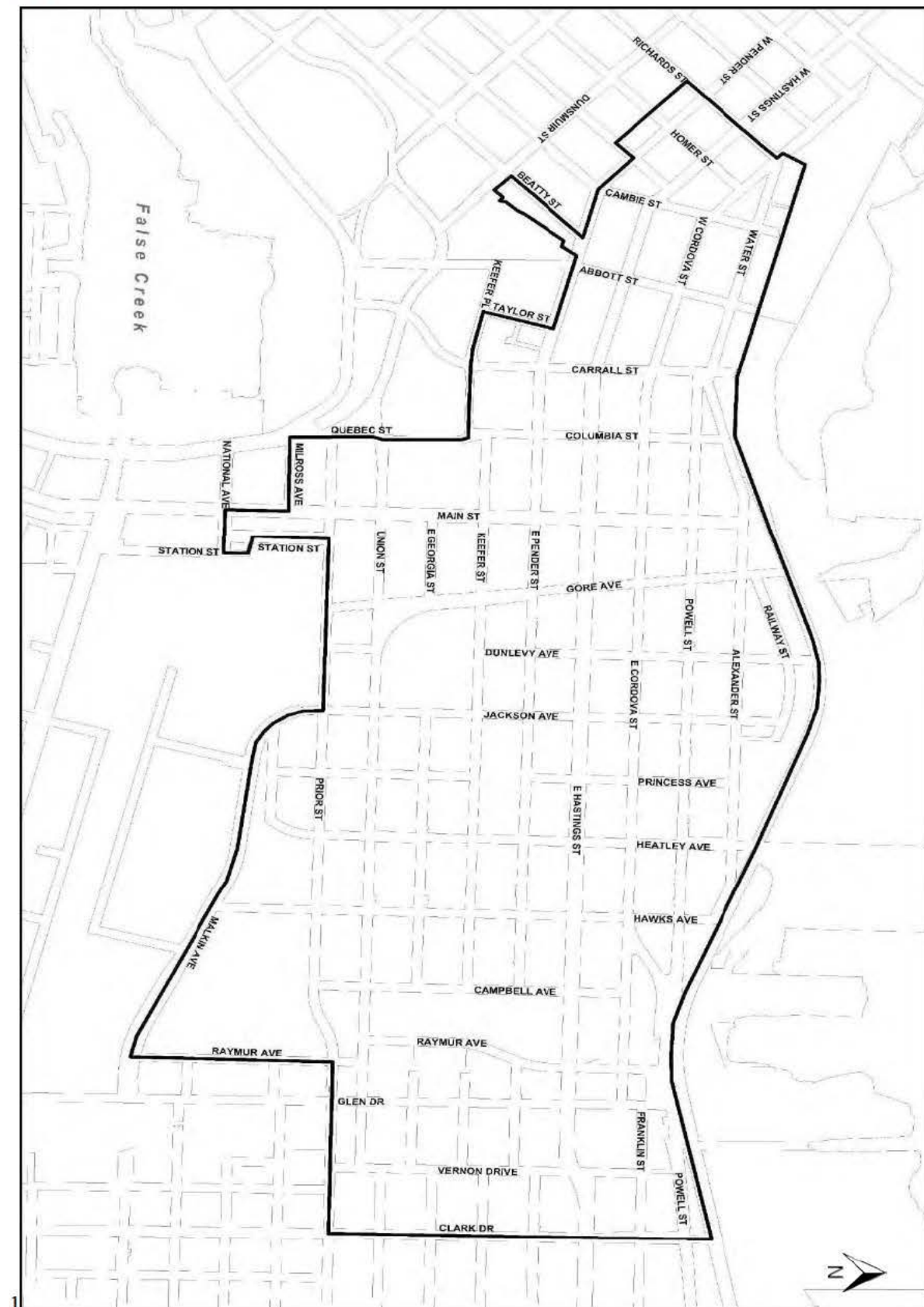
### **11.33 Character House**

- 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 m<sup>2</sup>.
- 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:** [Sneddon, Giselle](#)  
**To:** s.22(1)  
**Subject:** RE: Development Application 1778 Davie St. DP-2019-00733  
**Date:** September 30, 2019 9:08:14 AM  
**Attachments:** [ref\\_Cannabis Guidelines.pdf](#)  
[ref\\_DistrSched\\_C-5.pdf](#)  
[Sec11.pdf](#)  
[image001.png](#)

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Good morning 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.

Please consider that applicants are within their rights **to apply for** development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 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). 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.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)

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**From:** s.22(1)  
**Sent:** September 27, 2019 1:37 PM  
**To:** Sneddon, Giselle  
**Subject:** Development Application 1778 Davie St. DP-2019-00733

Hello Giselle,

As a resident of English Bay area and living s.22(1) I am writing you to express my opposition to a Retail Cannabis store application for 1778 Davie St.

I feel strongly that no stores selling Cannabis or similar products should be in such close proximity of an elementary school. Lord Roberts Elementary School is just around the corner and while the retail sale of cannabis is legal, I do not feel it should be so visible or accessible to school age children as encourage further or current consumption.

Additionally, the English Bay area is already prone to party activities and behaviour, the residents of the neighbourhood do not need these hooligans having easy access to additional party favours.

Thank you for your consideration of my comments.

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-5, C-5A and C-6 Districts Schedule (West End Commercial Districts)

### 1 Intent

The intent of this Schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End and to provide for dwelling units in C-5A and C-6 designed to be compatible with commercial uses. This schedule encourages external building design, the scale and function of which is oriented towards pedestrians. The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district because C-5A provides density bonuses for social housing and secured market rental housing. The C-6 district differs from the C-5 and C-5A Districts because the C-6 district provides a transition between the Downtown and the West End by permitting a greater density and scale than the C-5 and C-5A districts.

### 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 as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

#### **2.2 Uses**

2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5, C-5A and C-6 Districts.

2.2.1.A • 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 % of the gross floor area of the principal use.

#### 2.2.1.C [Cultural and Recreational]

- Arts and Culture Indoor Event.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.
- Theatre.

#### 2.2.1.I [Institutional]

- Child Day Care Facility.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.

2.2.1.O [Office]

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

2.2.1.R [Retail]

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

2.2.1.S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.2 The use listed in section 2.2.2 shall be permitted in the C-6 District.

**2.3 Conditions of Use**

2.3.1 All commercial uses listed in section 2.2 of this Schedule and accessory uses thereto shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading activities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) child day care facility.

2.3.2 In C-5A and C-6 no portion of any floor of a dwelling unit, club, social service centre, or child day care facility except for entrances shall be permitted within 2.0 m of street grade along a fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**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 as specified in sections 3.2.1 and 3.2.2, 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;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.

## 3.2 Uses

3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5, C-5A and C-6 Districts.

3.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.1.A of this Schedule.

3.2.1.AG [Agricultural]

- Urban Farm - Class B.

3.2.1.C [Cultural and Recreational]

- Artist Studio.

3.2.1.D • Deposition or extraction of material so as to alter the configuration of the land. impact on character of the area, pedestrian amenity.

3.2.1.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Detoxification Centre. *compatibility with surrounding uses, size*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*

3.2.1.O [Office]

- Health Enhancement Centre.

3.2.1.P [Parking]

- Parking Area. *pedestrian amenity, compatibility with surrounding uses*

3.2.1.R [Retail]

- Adult Retail Store.
- Cannabis Store.
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Full Serve. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Gasoline Station - Split Island. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Grocery Store with Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Pawnshop. *compatibility with surroundings uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Public Bike Share.
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy.

3.2.1.S [Service]

- Bed and Breakfast Accommodation.
- Cabaret. parking, vehicular circulation, *compatibility with surrounding uses and noise control.*
- Hotel, *design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress.*
- Neighbourhood Public House. *vehicular circulation, compatibility with surrounding uses*
- Print Shop.
- Restaurant - Class 2. *parking, vehicular circulation, compatibility with surrounding uses and noise control.*
- Short Term Rental Accommodation.

3.2.1.U [Utility and Communication]

- Public Utility. *compatibility with surrounding uses, pedestrian amenity, category of facility*
- Recycling Depot.

3.2.1.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.

3.2.2 The uses listed in section 3.2.2 shall be permitted in the C-5 District.

3.2.2.DW [Dwelling]

- Dwelling uses existing on or before February 4, 2014.
- Seniors Supportive or Assisted Housing, existing on or before February 4, 2014.

3.2.2.I [Institutional]

- Community Care Facility – Class B, existing on or before February 4, 2014.
- Group Residence, existing on or before February 4, 2014.

3.2.3 The uses listed in section 3.2.3 may be permitted in the C-5A and C-6 Districts.

3.2.3.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section, *compatibility with use.*
- Residential Unit associated with and forming an integral part of an artist studio.
- Seniors Supportive or Assisted Housing.

3.2.3.I [Institutional]

- Community Care Facility – Class B.
- Group Residence.

### **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 service gasoline station, except that section 11.13.2 of this By-law continues to apply;
  - (c) neighbourhood public house;
  - (d) restaurant;
  - (e) farmers' market;
  - (f) public bike share; and
  - (g) Urban Farm - Class B.
- 3.3.2 In C-5 no portion of any floor of a dwelling unit or community care facility or group residence except for entrances shall be permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

## **4 Regulations**

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

### **4.1 Site Area -- Not Applicable.**

### **4.2 Frontage**

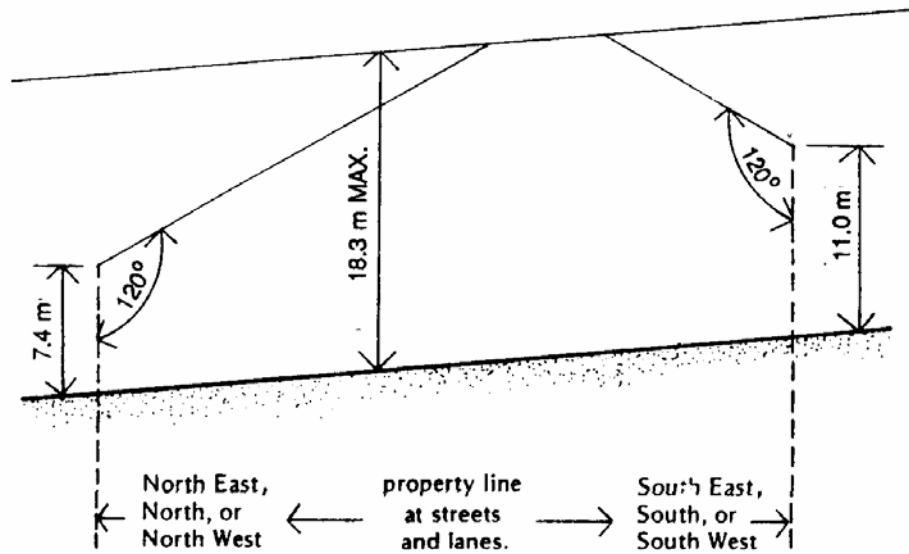
- 4.2.1 In C-5 and C-5A the maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade except a community centre, gasoline service station, parking area, and public school shall be 7.7 m. In C-6, this regulation is not applicable.
- 4.2.2 The Director of Planning or the Development Permit Board, as the case may be, may relax the maximum frontage regulation in section 4.2.1 in the case of a grocery or drug store existing as of May 18, 1993, and for other retail or service uses on the same site, provided that:
- (a) the Director of Planning or the Development Permit Board first considers the intent of this Schedule and is satisfied that the scale of development at the street property line will relate to pedestrians;
  - (b) the site has a frontage exceeding 45.8 m as of May 18, 1993;
  - (c) no more than a total of 50 % of the frontage of the site is occupied by grocery or drug store, or grocery store with liquor store, use and their departments except that this total amount shall be interspersed with other retail or service uses; and
  - (d) windows at the street property line are clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk.

For the purpose of this section 4.2.2 any department of a grocery, or drug store, or grocery store with liquor store, which has its own check-out facility and entrance/exit door to the street shall be deemed to be an individual occupancy.

### **4.3 Height**

- 4.3.1 The maximum height of a building shall be 18.3 m, but no portion of the building shall extend above the envelope illustrated and described in Figure 1. Height shall be determined by a line parallel to a line joining the official established building grades at the property lines. Angles shall be measured from vertical lines at the property lines.

Figure 1. Building Envelope



4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building, to a height not exceeding 64 m in the C-5A and C-6 districts and 18.3 m in the C-5 district, if the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

4.3.3 The Director of Planning or the Development Permit Board may permit a portion of a building in the C-5, C-5A and C-6 Districts to extend above the building envelope depicted in Figure 1 of section 4.3.1, if the building height does not exceed 18.3 m in the C-5 district and the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

#### 4.4 Front Yard

4.4.1 No front yard shall be permitted except where the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### 4.5 Side Yards and Setbacks

4.5.1 No side yards shall be permitted except where:

- (a) any portion of a building contains residential uses, that portion may be set back from the side property lines to fulfill provisions of section 4.10; or
- (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### **4.6 Rear Yard and Setback**

- 4.6.1 No rear yard shall be required except where any portion of a building contains dwelling 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 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 of the lane.
- 4.6.2 The Director of Planning may decrease the rear yard setback for dwelling use, provided the Director of Planning is satisfied that residential livability is achieved for the development site and neighbouring existing or potential residential uses.

#### **4.7 Floor Area and Density**

- 4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that:
- (a) for a hotel existing on or before February 4, 2014, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section; and
  - (b) 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 m<sup>2</sup> 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.
- 4.7.1.2 The Director of Planning may permit an increase in permitted floor area for a hotel existing on September 30, 1986, to a maximum of 5% additional floor area, if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities
- 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 m<sup>2</sup> 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 Computation of floor area shall include:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.6 Computation of floor area shall exclude:
- (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 12% of the residential floor area being provided;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;



- (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 are at or below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

**4.7.7 Computation of floor area may exclude:**

- (a) interior public space, including atria and other similar spaces, provided that:
  - (i) the excluded area shall not exceed the lesser of 10 % of the permitted floor area or 600 m<sup>2</sup>;
  - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
  - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- (b) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10 % of the permitted floor area or 1 000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

**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 increase shall not apply to a hotel where the floor area has already been increased pursuant to section 4.7.1.2 or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(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.

**4.8 Site Coverage -- Not Applicable.**

**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 m<sup>2</sup>.

**4.11 (Reserved)**

**4.12 (Reserved)**

**4.13 (Reserved)**

**4.14 (Reserved)**

**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

**4.16 (Reserved)**

**4.17 External Design**

- 4.17.1 All developments shall provide along all abutting streets any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest to the satisfaction of the Director of Planning.
- 4.17.2 The first storey shall be built to the front and side property lines except as noted in sections 4.4.1 and 4.5.1 while the remaining storeys may terrace back from the property lines.
- 4.17.3 Direct pedestrian access at the fronting street at or near grade level to each individual commercial occupancy which abuts the fronting street of a development site shall be provided.
- 4.17.4 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer shall be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district.

- 4.17.5 That portion of building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be rounded with a minimum radius of 1.8 m, indented or truncated with minimum dimensions of 1.8 m by 1.8 m, or architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.
- 4.17.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be accentuated by variances of height, cupolas, domes, or other architectural appurtenances, or any proposals varying from the above, satisfactory to the Director of Planning.
- 4.17.7 A minimum of one pedestrian entrance to commercial uses shall be provided from the flanking street where the adjoining site on the flanking street is in a C district.
- 4.17.8 All garbage container storage areas shall be screened from view from nearby sidewalks and dwelling units.
- 4.17.9 Mechanical equipment shall be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning. Exposed duct work is not permitted.
- 4.17.10 Dwelling uses shall provide:
- (a) pedestrian access separate from access to other uses;
  - (b) a minimum of one bicycle rack per four dwelling units in an enclosed storage room.

## 5 Relaxation of Regulations

- 5.1** 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 relax for any one building, which includes one or more of such facilities, the maximum floor space ratio 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 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.

- 5.2** The Director of Planning or the Development Permit Board may relax the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:

- (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
- (b) the floor space ratio for non-residential uses in the C-6 district must be no less than 1.2; and
- (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing, except that this does not apply to any portion of floor area increased pursuant to sections 4.7.1.1(b) or 4.7.8.

- 5.3** The Director of Planning or the Development Permit Board may relax the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and:
- (a) the maximum height does not exceed 91.4 m.; and
  - (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.

## 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 m<sup>2</sup> 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 m<sup>2</sup>;
- (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 m<sup>2</sup>.
- 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 m<sup>2</sup> and 500 m<sup>2</sup>, respectively.

#### **11.20 Wedding Chapel**

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m<sup>2</sup>.

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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup>.

## **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 m<sup>2</sup>.

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 m<sup>2</sup>, except that the Director of Planning may allow a reduction to not less than 19 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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.

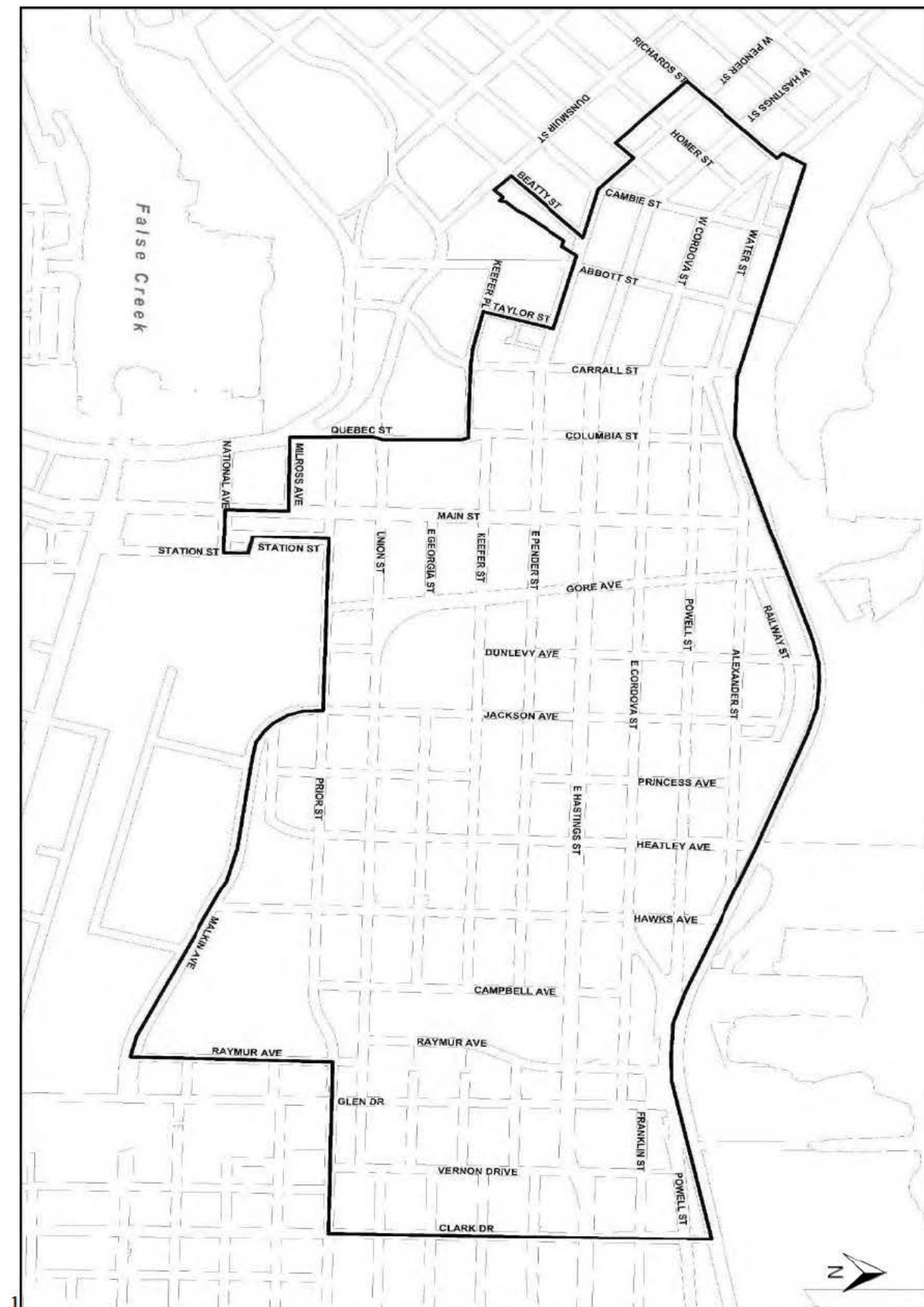
### **11.33 Character House**

- 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 m<sup>2</sup>.
- 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:** [Sneddon, Giselle](#)  
**To:** s.22(1)  
**Subject:** RE: Development Application DP-2019-00733  
**Date:** September 30, 2019 9:16:36 AM

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Good morning 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.

Please consider that applicants are within their rights to apply for development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 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>”

I cannot see that there is any approved or in-stream cannabis applications within 300m so I assume that the ones you are referring to have been refused. It is important to note, that if it has been refused, they can still appeal that decision to the board of variance and then it will affect this current application at 1778 Davie St.

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.

Kind regards,  
GISELLE SNEDDON | Project Coordinator | Development Review Branch  
Development, Buildings & Licensing  
City of Vancouver | 515 W 10th Ave  
Vancouver | BC V5Y 1V4  
[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)

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

From: s.22(1)  
Sent: September 28, 2019 10:44 AM  
To: Sneddon, Giselle

Subject: Development Application DP-2019-00733

Dear Ms. Sneddon,

This is with regard to the Application for 1778 Davie Street.

We have lived at s.22(1) When we moved in, there was a cannabis shop s.22(1) at about 1650 Davie, and there is a cannabis shop (I don't know how active) s.22(1) at about 1735 Davie. We could at least walk down to Denman without walking through a cloud of cannabis smoke, which was not the case when we walked to London Drugs or further up Davie Street toward Burrard.

We assume that the shop s.22(1) at around 1735 Davie is illegal, and will be shut down? If legal, the new application is of course too close to the existing shop.

I notice that an application for a cannabis store at or near 1650 Davie Street is no longer pending; I assume the application was withdrawn or rejected. However, my wife and I are still opposed to this current proposal even though it is only two hours a day ?????? Our experience with cannabis shops is that a number of people hang around a shop smoking, contrary to the anti-smoking bylaw which means that we are forced to inhale the smoke whether we want to or not, and we do not.

Understandably, we are NOT in favour of the application

Regards

s.22(1)

Vancouver, BC s.22(1)

**From:** [Sneddon, Giselle](#)  
**To:** s.22(1)  
**Subject:** RE: Development application of Lightbox/Hobo for retail cannabis at 1770/1778 Davie Street  
**Date:** October 1, 2019 9:51:49 AM  
**Attachments:** [ref\\_Cannabis Guidelines.pdf](#)  
[ref\\_DistrSched\\_C-5.pdf](#)  
[Sec11.pdf](#)  
[image001.png](#)

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Good morning 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.

Please consider that applicants are within their rights **to apply for** development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 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). 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.

In order for me to gain context into your proximity to the proposed site, could you please provide me your full address? This information will only be used for me to determine your proximity.

Thank you.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4



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**From:** s.22(1)  
**Sent:** September 30, 2019 11:58 PM  
**To:** Sneddon, Giselle  
**Subject:** Development application of Lightbox/Hobo for retail cannabis at 1770/1778 Davie Street

The operational letter in support of this application advances no relaxation rationale. The proposed location is roughly 200 meters from the property line of Lord Roberts Elementary School, and roughly 190 metres from 1674 Davie Street, where Peaceful Park/EDEN was granted a development permit for retail cannabis by the Board of Variance on September 24, 2019.

Given that the City of Vancouver bylaw requires a minimum 300 metre separation from both schools and other licensed cannabis retail locations, the applicant requires two relaxations in order to be granted a development permit.

The applicant having chosen to advance no relaxation rationale, it is respectfully submitted that the application must be rejected.

Please do not hesitate to contact me at any time.

Yours truly



# 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-5, C-5A and C-6 Districts Schedule (West End Commercial Districts)

### 1 Intent

The intent of this Schedule is to provide for retail and services uses and forms of development compatible with the primarily residential character of the West End and to provide for dwelling units in C-5A and C-6 designed to be compatible with commercial uses. This schedule encourages external building design, the scale and function of which is oriented towards pedestrians. The C-5 district provides opportunities for commercial uses throughout the district and opportunities for nightlife in the Davie Village. The C-5A district differs from the C-5 district because C-5A provides density bonuses for social housing and secured market rental housing. The C-6 district differs from the C-5 and C-5A Districts because the C-6 district provides a transition between the Downtown and the West End by permitting a greater density and scale than the C-5 and C-5A districts.

### 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 as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

#### **2.2 Uses**

2.2.1 The uses listed in section 2.2.1 shall be permitted in the C-5, C-5A and C-6 Districts.

2.2.1.A • 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 % of the gross floor area of the principal use.

#### 2.2.1.C [Cultural and Recreational]

- Arts and Culture Indoor Event.
- Billiard Hall.
- Bowling Alley.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.
- Rink.
- Swimming Pool.
- Theatre.

#### 2.2.1.I [Institutional]

- Child Day Care Facility.
- School - Elementary or Secondary.
- School - University or College.
- Social Service Centre.

2.2.1.O [Office]

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

2.2.1.R [Retail]

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

2.2.1.S [Service]

- Animal Clinic.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Catering Establishment.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.2 The use listed in section 2.2.2 shall be permitted in the C-6 District.

**2.3 Conditions of Use**

2.3.1 All commercial uses listed in section 2.2 of this Schedule and accessory uses thereto shall be carried on wholly within a completely enclosed building except for the following:

- (a) parking and loading activities;
- (b) restaurant;
- (c) display of flowers, plants, fruits and vegetables;
- (d) child day care facility.

2.3.2 In C-5A and C-6 no portion of any floor of a dwelling unit, club, social service centre, or child day care facility except for entrances shall be permitted within 2.0 m of street grade along a fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

**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 as specified in sections 3.2.1 and 3.2.2, 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;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.

## 3.2 Uses

3.2.1 The uses listed in section 3.2.1 may be permitted in the C-5, C-5A and C-6 Districts.

3.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this section, subject to the same provisions as section 2.2.1.A of this Schedule.

3.2.1.AG [Agricultural]

- Urban Farm - Class B.

3.2.1.C [Cultural and Recreational]

- Artist Studio.

3.2.1.D • Deposition or extraction of material so as to alter the configuration of the land. impact on character of the area, pedestrian amenity.

3.2.1.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Detoxification Centre. *compatibility with surrounding uses, size*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*

3.2.1.O [Office]

- Health Enhancement Centre.

3.2.1.P [Parking]

- Parking Area. *pedestrian amenity, compatibility with surrounding uses*

3.2.1.R [Retail]

- Adult Retail Store.
- Cannabis Store.
- Farmers' Market. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Full Serve. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Gasoline Station - Split Island. . *compatibility with surrounding uses, pedestrian amenity, number existing, vehicular ingress and egress*
- Grocery Store with Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Liquor Store. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, vehicular ingress and egress*
- Pawnshop. *compatibility with surroundings uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Public Bike Share.
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy.

3.2.1.S [Service]

- Bed and Breakfast Accommodation.
- Cabaret. parking, vehicular circulation, *compatibility with surrounding uses and noise control.*
- Hotel, *design compatibility with any proximate residential area, size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress.*
- Neighbourhood Public House. *vehicular circulation, compatibility with surrounding uses*
- Print Shop.
- Restaurant - Class 2. *parking, vehicular circulation, compatibility with surrounding uses and noise control.*
- Short Term Rental Accommodation.

3.2.1.U [Utility and Communication]

- Public Utility. *compatibility with surrounding uses, pedestrian amenity, category of facility*
- Recycling Depot.

3.2.1.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.

3.2.2 The uses listed in section 3.2.2 shall be permitted in the C-5 District.

3.2.2.DW [Dwelling]

- Dwelling uses existing on or before February 4, 2014.
- Seniors Supportive or Assisted Housing, existing on or before February 4, 2014.

3.2.2.I [Institutional]

- Community Care Facility – Class B, existing on or before February 4, 2014.
- Group Residence, existing on or before February 4, 2014.

3.2.3 The uses listed in section 3.2.3 may be permitted in the C-5A and C-6 Districts.

3.2.3.DW [Dwelling]

- Dwelling Units in conjunction with any of the uses listed in this section, *compatibility with use.*
- Residential Unit associated with and forming an integral part of an artist studio.
- Seniors Supportive or Assisted Housing.

3.2.3.I [Institutional]

- Community Care Facility – Class B.
- Group Residence.

### **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 service gasoline station, except that section 11.13.2 of this By-law continues to apply;
  - (c) neighbourhood public house;
  - (d) restaurant;
  - (e) farmers' market;
  - (f) public bike share; and
  - (g) Urban Farm - Class B.
- 3.3.2 In C-5 no portion of any floor of a dwelling unit or community care facility or group residence except for entrances shall be permitted within 2.0 m of street grade along the fronting street or a flanking street if the adjoining site on the flanking street is in a C district.

## **4 Regulations**

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

### **4.1 Site Area -- Not Applicable.**

### **4.2 Frontage**

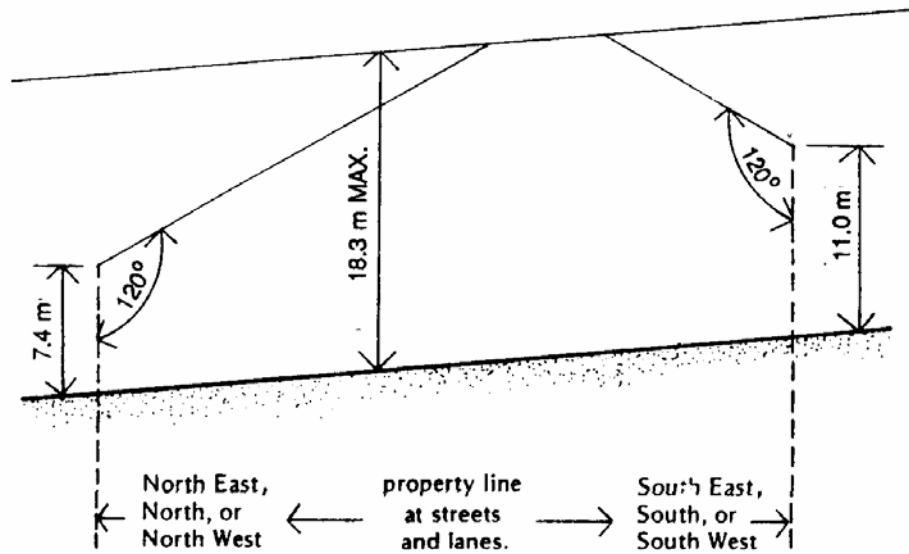
- 4.2.1 In C-5 and C-5A the maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade except a community centre, gasoline service station, parking area, and public school shall be 7.7 m. In C-6, this regulation is not applicable.
- 4.2.2 The Director of Planning or the Development Permit Board, as the case may be, may relax the maximum frontage regulation in section 4.2.1 in the case of a grocery or drug store existing as of May 18, 1993, and for other retail or service uses on the same site, provided that:
- (a) the Director of Planning or the Development Permit Board first considers the intent of this Schedule and is satisfied that the scale of development at the street property line will relate to pedestrians;
  - (b) the site has a frontage exceeding 45.8 m as of May 18, 1993;
  - (c) no more than a total of 50 % of the frontage of the site is occupied by grocery or drug store, or grocery store with liquor store, use and their departments except that this total amount shall be interspersed with other retail or service uses; and
  - (d) windows at the street property line are clear-glazed and unobstructed so that the interior of the premises are at all times visible from the sidewalk.

For the purpose of this section 4.2.2 any department of a grocery, or drug store, or grocery store with liquor store, which has its own check-out facility and entrance/exit door to the street shall be deemed to be an individual occupancy.

### **4.3 Height**

- 4.3.1 The maximum height of a building shall be 18.3 m, but no portion of the building shall extend above the envelope illustrated and described in Figure 1. Height shall be determined by a line parallel to a line joining the official established building grades at the property lines. Angles shall be measured from vertical lines at the property lines.

Figure 1. Building Envelope



4.3.2 The Director of Planning or the Development Permit Board may permit an increase in the maximum height of a building, to a height not exceeding 64 m in the C-5A and C-6 districts and 18.3 m in the C-5 district, if the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

4.3.3 The Director of Planning or the Development Permit Board may permit a portion of a building in the C-5, C-5A and C-6 Districts to extend above the building envelope depicted in Figure 1 of section 4.3.1, if the building height does not exceed 18.3 m in the C-5 district and the Director of Planning or the Development Permit Board first considers:

- (a) the impact on neighbourhood livability and environmental quality;
- (b) the intent of this schedule and all applicable Council policies and guidelines;
- (c) the submission of any advisory group, property owner or tenant; and
- (d) the impact on views, shadowing, privacy, lower level treatment of buildings, and open space.

#### 4.4 Front Yard

4.4.1 No front yard shall be permitted except where the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### 4.5 Side Yards and Setbacks

4.5.1 No side yards shall be permitted except where:

- (a) any portion of a building contains residential uses, that portion may be set back from the side property lines to fulfill provisions of section 4.10; or
- (b) the Director of Planning is satisfied that shopping continuity and pedestrian amenity along any abutting sidewalk will be achieved.

#### **4.6 Rear Yard and Setback**

- 4.6.1 No rear yard shall be required except where any portion of a building contains dwelling 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 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 of the lane.
- 4.6.2 The Director of Planning may decrease the rear yard setback for dwelling use, provided the Director of Planning is satisfied that residential livability is achieved for the development site and neighbouring existing or potential residential uses.

#### **4.7 Floor Area and Density**

- 4.7.1.1 The maximum floor space ratio shall not exceed 2.20 in the C-5 and C-5A Districts and 2.6 in the C-6 District, except that:
- (a) for a hotel existing on or before February 4, 2014, the floor space ratio shall not exceed the greater of the floor space ratio existing on September 30, 1986 or the maximum floor space ratio limit set out in this section; and
  - (b) 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 m<sup>2</sup> 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.
- 4.7.1.2 The Director of Planning may permit an increase in permitted floor area for a hotel existing on September 30, 1986, to a maximum of 5% additional floor area, if, in the opinion of the Director of Planning, the increase in floor area will result in enhanced pedestrian amenities
- 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 m<sup>2</sup> 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 Computation of floor area shall include:
- (a) All floors of all buildings, both above and below ground level, to be measured to the extreme outer limits of the buildings.
- 4.7.6 Computation of floor area shall exclude:
- (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 12% of the residential floor area being provided;
  - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;



- (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 are at or below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

4.7.7 Computation of floor area may exclude:

- (a) interior public space, including atria and other similar spaces, provided that:
  - (i) the excluded area shall not exceed the lesser of 10 % of the permitted floor area or 600 m<sup>2</sup>;
  - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
  - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- (b) amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10 % of the permitted floor area or 1 000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood.

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 increase shall not apply to a hotel where the floor area has already been increased pursuant to section 4.7.1.2 or a development where there has been an increase in floor space ratio pursuant to section 4.7.1.1(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.

**4.8 Site Coverage -- Not Applicable.**

**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 m<sup>2</sup>.

**4.11 (Reserved)**

**4.12 (Reserved)**

**4.13 (Reserved)**

**4.14 (Reserved)**

**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

**4.16 (Reserved)**

**4.17 External Design**

- 4.17.1 All developments shall provide along all abutting streets any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest to the satisfaction of the Director of Planning.
- 4.17.2 The first storey shall be built to the front and side property lines except as noted in sections 4.4.1 and 4.5.1 while the remaining storeys may terrace back from the property lines.
- 4.17.3 Direct pedestrian access at the fronting street at or near grade level to each individual commercial occupancy which abuts the fronting street of a development site shall be provided.
- 4.17.4 Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer shall be provided along the fronting street and flanking street where the adjoining site on the flanking street is in a C district.

- 4.17.5 That portion of building located at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be rounded with a minimum radius of 1.8 m, indented or truncated with minimum dimensions of 1.8 m by 1.8 m, or architecturally treated by other means to facilitate pedestrian amenity to the satisfaction of the Director of Planning.
- 4.17.6 Building corners at the intersection of a fronting and flanking street where the adjoining site on the flanking street is in a C district shall be accentuated by variances of height, cupolas, domes, or other architectural appurtenances, or any proposals varying from the above, satisfactory to the Director of Planning.
- 4.17.7 A minimum of one pedestrian entrance to commercial uses shall be provided from the flanking street where the adjoining site on the flanking street is in a C district.
- 4.17.8 All garbage container storage areas shall be screened from view from nearby sidewalks and dwelling units.
- 4.17.9 Mechanical equipment shall be enclosed and set back so as not to be visible from street level or architecturally treated by other means satisfactory to the Director of Planning. Exposed duct work is not permitted.
- 4.17.10 Dwelling uses shall provide:
- (a) pedestrian access separate from access to other uses;
  - (b) a minimum of one bicycle rack per four dwelling units in an enclosed storage room.

## 5 Relaxation of Regulations

- 5.1** 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 relax for any one building, which includes one or more of such facilities, the maximum floor space ratio 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 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.

- 5.2** The Director of Planning or the Development Permit Board may relax the regulations in the C-5A and C-6 districts regarding permitted floor space ratio for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of this schedule, and all applicable Council policies and guidelines, and:

- (a) the floor space ratio does not exceed 7.0. in the C-5A district and 8.75 in the C-6 district;
- (b) the floor space ratio for non-residential uses in the C-6 district must be no less than 1.2; and
- (c) either a minimum of 20% of the floor area included in the calculation of floor space ratio must be used for social housing, or all dwelling units must be secured market rental housing, except that this does not apply to any portion of floor area increased pursuant to sections 4.7.1.1(b) or 4.7.8.

**5.3** The Director of Planning or the Development Permit Board may relax the regulations in the C-6 district regarding permitted height for dwelling units in conjunction with other permitted uses, if the Director of Planning or the Development Permit Board first considers the intent of the schedule, and all applicable Council policies and guidelines, and:

- (a) the maximum height does not exceed 91.4 m.; and
- (b) either a minimum of 20% of the floor area included in the calculation of floor space ratio is used for social housing, or all dwelling units must be secured market rental housing.

## 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 m<sup>2</sup> 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 m<sup>2</sup>;
- (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 m<sup>2</sup>.
- 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 m<sup>2</sup> and 500 m<sup>2</sup>, respectively.

#### **11.20 Wedding Chapel**

11.20.1 Subject to section 11.20.2, the size of a wedding chapel must not exceed 140 m<sup>2</sup>.

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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup>.

## **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 m<sup>2</sup>.

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 m<sup>2</sup>, except that the Director of Planning may allow a reduction to not less than 19 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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 m<sup>2</sup>, 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 m<sup>2</sup> 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 m<sup>2</sup> 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 m<sup>2</sup>.
- 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 m<sup>2</sup>.
- 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 m<sup>2</sup>, 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.

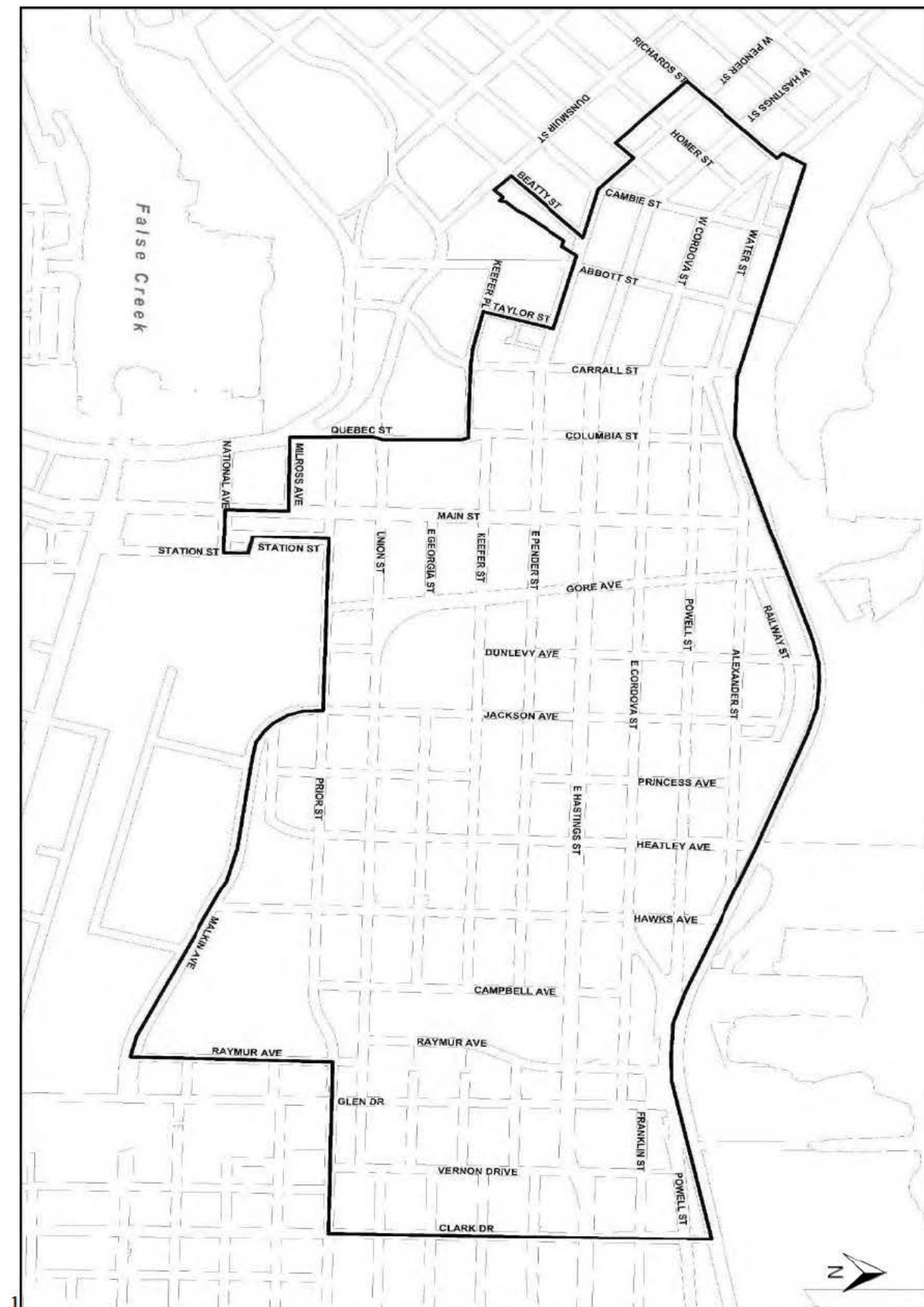
### **11.33 Character House**

- 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 m<sup>2</sup>.
- 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:** [Sneddon, Giselle](#)  
**To:** [s.22\(1\)](#)  
**Subject:** RE: Notice of Development Application  
**Date:** September 30, 2019 9:11:23 AM  
**Attachments:** [image001.png](#)

---

Good morning [s.22\(1\)](#)

Thank you for your e-mail.

The application is available at the following link: <https://development.vancouver.ca/>  
It is listed under the CRDA tab at the very bottom of the page. This is for all cannabis development applications.

Please let me know if you have any additional comments or concerns regarding this application.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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**From:** [s.22\(1\)](#)  
**Sent:** September 27, 2019 4:05 PM  
**To:** Sneddon, Giselle  
**Subject:** Notice of Development Application

Hi Giselle,

I recently received the Notice of Development Application in reference to the premise 1778 Davie Street (DP-2019-00733) and while I was searching information for that particular application on the City of Vancouver website, the two listed application on Davie Streets do not correspond to this particular application.

Could you please direct me to the proper link where I could obtain more information and also if I would want to express my opinion towards the application, what is the method of such?  
Thanks.

**From:** [Sneddon, Giselle](#)  
**To:** s.22(1)  
**Subject:** RE: Notice of Development Application  
**Date:** October 3, 2019 8:43:54 AM  
**Attachments:** [image001.png](#)

---

Good morning 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.

Please consider that applicants are within their rights **to apply for** development permits whether they meet the regulations or not. The proposal is currently being reviewed under C-5 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 11.6 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). 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.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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**From:** s.22(1)  
**Sent:** October 2, 2019 4:27 PM  
**To:** Sneddon, Giselle  
**Subject:** Re: Notice of Development Application

Hi Giselle,

Thank you for your directions.

For the record, upon reading the information pertaining to the development application, I hereby would like to submit my opposition as I believe it would disturb the harmony of the neighborhood.

Thank you once again.

On Mon, 30 Sep 2019 at 9:11 AM, Sneddon, Giselle <[Giselle.Sneddon@vancouver.ca](mailto:Giselle.Sneddon@vancouver.ca)> wrote:

Good morning s.22(1)

Thank you for your e-mail.

The application is available at the following link: <https://development.vancouver.ca/>  
It is listed under the CRDA tab at the very bottom of the page. This is for all cannabis development applications.

Please let me know if you have any additional comments or concerns regarding this application.

Kind regards,

**GISELLE SNEDDON | Project Coordinator | Development Review Branch**

Development, Buildings & Licensing

City of Vancouver | 515 W 10<sup>th</sup> Ave

Vancouver | BC V5Y 1V4

[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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**From:** s.22(1)  
**Sent:** September 27, 2019 4:05 PM  
**To:** Sneddon, Giselle  
**Subject:** Notice of Development Application

Hi Giselle,

I recently received the Notice of Development Application in reference to the premise [1778 Davie Street](#) (DP-2019-00733) and while I was searching information for that particular application on the City of Vancouver website, the two listed application on Davie Streets do not correspond to this particular application.

Could you please direct me to the proper link where I could obtain more information and also if I would want to express my opinion towards the application, what is the method of such? Thanks.



**From:** [Hicks, Sarah](#)  
**To:** [Sneddon, Giselle](#)  
**Subject:** RE: Cannabis Retail - 1778 Davie Street  
**Date:** October 18, 2019 11:13:27 AM  
**Attachments:** [image001.png](#)

---

Apologies is this is a duplicate response.

The proposed location does not meet by-law requirements for distancing from schools.

Sarah Hicks | Deputy Chief Licence Inspector, Licence Office Manager  
Licence Office | City of Vancouver  
[sarah.hicks@vancouver.ca](mailto:sarah.hicks@vancouver.ca)  
(t) 604-873-7546

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**From:** Sneddon, Giselle  
**Sent:** Monday, September 16, 2019 2:55 PM  
**To:** KELLER, Jodyne; Hicks, Sarah; Hogg, Samuel  
**Cc:** Fridkin, Alycia  
**Subject:** Cannabis Retail - 1778 Davie Street

Good afternoon,

I have received a new Cannabis Retail application at 1778 Davie Street (DP-2019-00733).

I have attached their operational letter and the Cannabis Evaluation Area on VanMaps.

Please let me know if you have any questions or concerns with this business.

Thank you.

Kind regards,

**GISELLE SNEDDON** | Project Coordinator | Development Review Branch  
Development, Buildings & Licensing  
City of Vancouver | 515 W 10<sup>th</sup> Ave  
Vancouver | BC V5Y 1V4  
[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



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Operational Letter For Proposed Retail Non-medical Cannabis Store #1778 – 1770  
Davie Street

To Whom It May Concern:

Lightbox Enterprises Ltd., dba Hobo Cannabis Company, is a local Vancouver company operating non-medical retail cannabis stores in Ottawa, Kelowna and Vancouver. The proposed location at 1770 Davie Street in Vancouver is conveniently located on the Northwest corner of Davie and Denman Street.

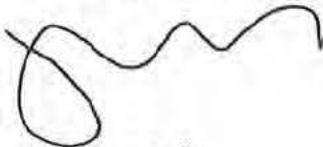
We plan to provide access to recreational cannabis in a safe and knowledgeable environment. We will employ 25 fully trained floor staff, 4 in store managers, 3 administration managers and 1 regional manager, all of them will have government certification for cannabis retail workers.

Our company began in the hospitality sector over 20 years ago, and has been a leader in the pub/restaurant business across the country. Our direct experience with providing controlled products secured from governing bodies, which include our 4 operating (legal) non-medical cannabis stores and our 20 years in the pub business, separates us as operators from our competitors.

Hours of operation will fall under the provincial guidelines, 9am to at 11pm seven days a week. Security is a major part of our operation, we will have ID check stations upon entry into the store and nobody under the age of nineteen will be permitted in the store at any time.

Our main goal is to provide our customers with a safe, secure environment with knowledgeable staff.

Thanks,



Jeff Donnelly  
President

**From:** "Shirmohammad, Farnoosh" <Farnoosh.Shirmohammad@vancouver.ca>

**To:** "Printshop Copier" <s.15(1)(l)>

**CC:** "Shirmohammad, Farnoosh" <Farnoosh.Shirmohammad@vancouver.ca>  
"Sneddon, Giselle" <Giselle.Sneddon@vancouver.ca>

**Date:** 9/25/2019 2:46:24 PM

**Subject:** 1778 Davie Street - DP-2019-00733

**Attachments:** labels.pdf  
postcard.pdf

Please send this out **by Wednesday , September 25, 2019** on "White" colored postcards

**Account Code – same as previous (for mailroom – 40038299)**

**Total Records : All records 760 including 7 INTS and 15 USA on top**

Thanks ☺



**Farnoosh Shirmohammad | Office Support Clerk**  
Development, Buildings & Licensing | City of Vancouver  
t. 604.871.6483



453 West 12<sup>th</sup> Avenue  
Vancouver, BC V5Y 1V4

Development,  
Buildings & Licensing

**IMPORTANT INFORMATION** Please have this translated

**RENSEIGNEMENTS IMPORTANTS** Prière de les faire traduire

**INFORMACIÓN IMPORTANTE** Busque alguien que le traduzca

**CHỈ DẪN QUAN TRỌNG** Xin nhờ người dịch hộ

重要資料 請找人為你翻譯

これはたいせつなお知らせです。どなたかに日本語に訳してもらってください。

알려드립니다 이것을 번역해 주십시오

ਗੁਰੂ ਜੀਵਨੀ ਵਿਰਥਾ ਕਰਕੇ ਕਿਸੇ ਕੋਲੋਂ ਇਸ ਦਾ ਉਲੰਘਾ ਕਰਵਾਓ

s.22(1)



453 West 12<sup>th</sup> Avenue  
Vancouver, BC V5Y 1V4

Development,  
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s.22(1)

# NOTICE OF DEVELOPMENT APPLICATION

**1778 Davie Street**  
**DP-2019-00733**



**September 25, 2019**

Lightbox Enterprises Ltd. has applied to the City of Vancouver for permission to perform interior alterations and change of use from Retail to Retail Cannabis store, including:

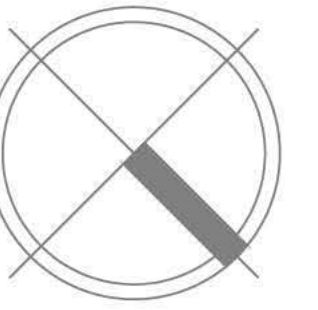
- a floor area of approximately 809 sq. ft.; and
- operating hours of Monday to Sunday (7 days per week) from 9:00 am to 11:00 am.

Under the site's existing C-5 zoning, the application is "conditional" so it may be permitted; however, it requires the decision of the Director of Planning.

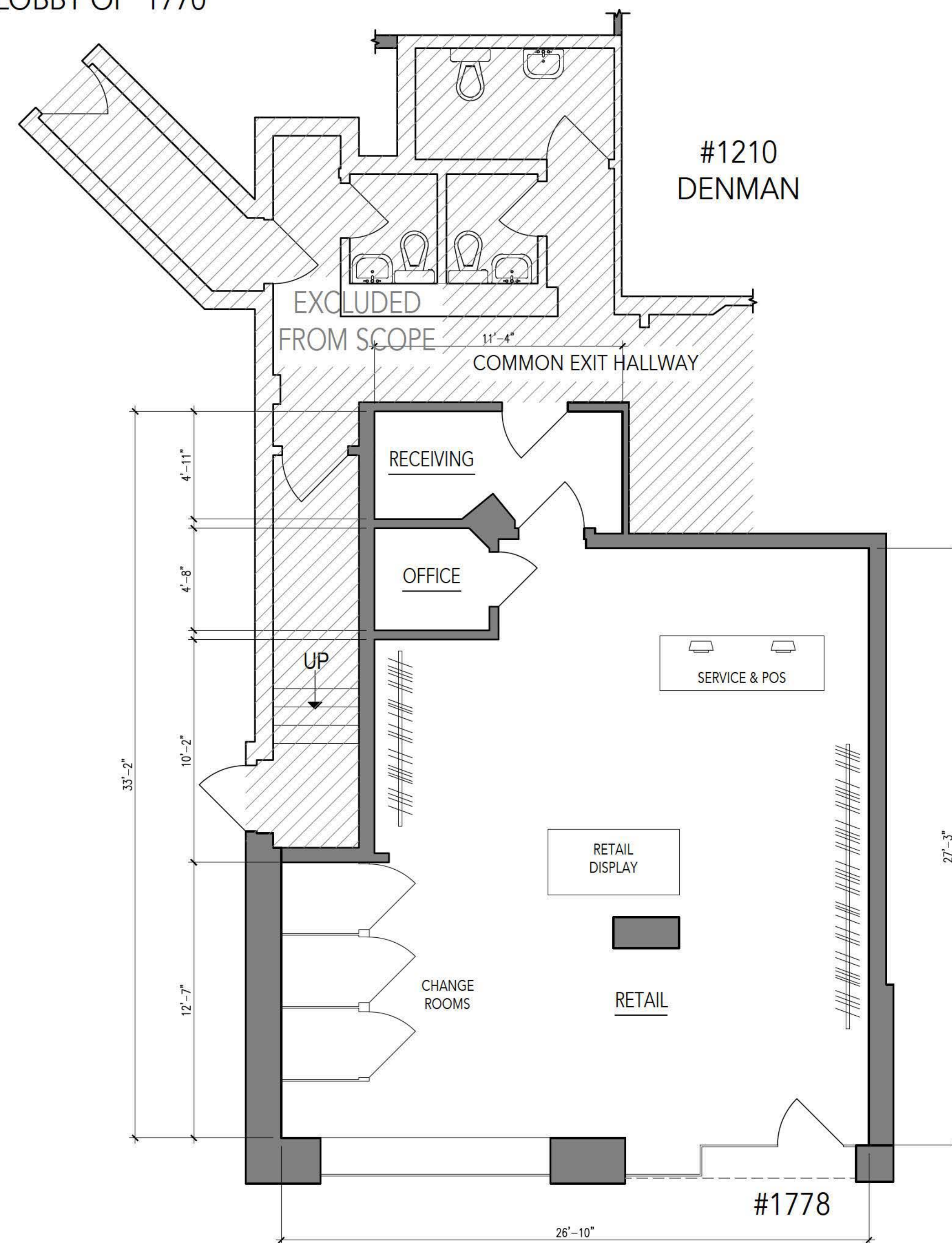
We welcome your written comments on this application by **October 12, 2019**. For more information and updates, visit: [vancouver.ca/devapps](http://vancouver.ca/devapps)

Or contact **Giselle Sneddon**, Project Coordinator at **604.829.9491** or [giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)



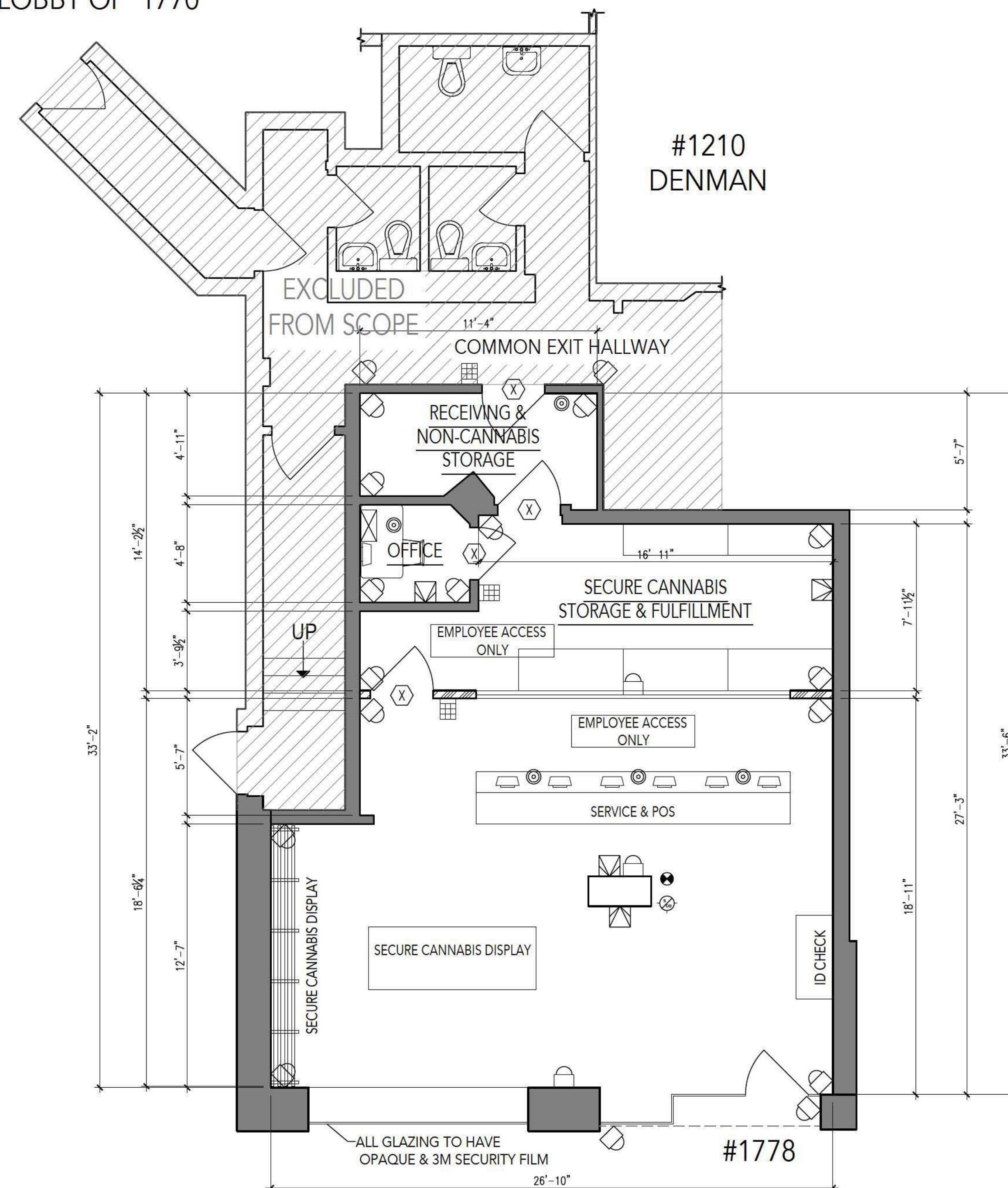


LOBBY OF 1770



1 EXISTING FLOOR PLAN  
ID 1 SCALE: 1/4" = 1'-0"

LOBBY OF 1770



2 PROPOSED FLOOR PLAN  
ID 1 SCALE: 1/4" = 1'-0"

NOTES

1. UNIT: 809 SQ. FT.
2. NEW FIRE ALARM AND INTRUDER MONITORING WILL BE INSTALLED
3. BUILDING IS SPRINKLERED
4. SECURITY CAMERAS WITH FULL UNOBSTRUCTED VIEW OF RETAIL, SALES AREA, LOCKED STORAGE AREA, INTERIOR AND EXTERIOR ENTRANCE AND EXIT
5. SECURE RETAIL PRODUCT DISPLAY, SECURE CANNABIS STORAGE ROOM AND SECURE PERIMETER DOOR LOCKS.
6. ALL GLAZING ON EXTERIOR TO HAVE FROSTED OPAQUE FILM
7. ALL GLAZING ON EXTERIOR TO HAVE 3M SECURITY FILM
8. NO CHANGE TO EXISTING FIRE RATED WALLS AND CEILING

PARTITION LEGEND

	EXISTING PARTITION TO REMAIN
	NEW INTERIOR PARTITION

LEGEND

	EXHAUST FAN
	SMOKE / CARBON MONOXIDE DETECTOR
	PANIC ALARM
	DVD RECORDING UNIT
	FIXED DOME CAMERA
	DUAL TECH PIR
	KEYPAD / CARD READER
	PRY-RESISTANT METAL DOOR

UNIT #1778  
TOTAL USABLE AREA: 809 sq. ft.

1178 Davie St. Vancouver, BC

09 SEPT 2019

FLOOR PLANS - Existing & Proposed

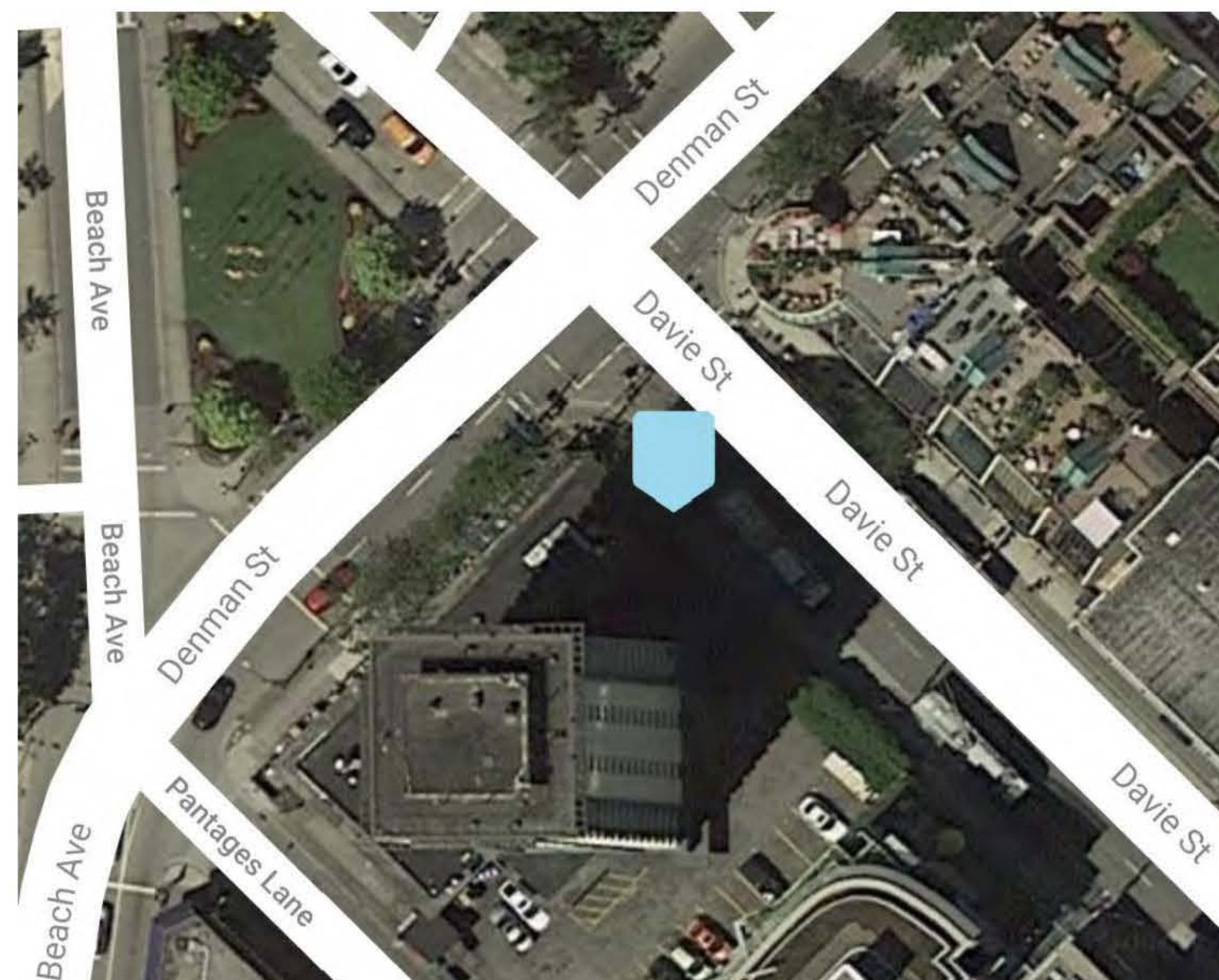
SCALE: AS NOTED

SHEET: ID 1 of 2

HOB0

City of Vancouver - FOI 2020-332 - Page 172 of 183





Legal Description:  
PARCEL D (BEING A  
CONSOLIDATION OF LOTS 13  
AND 14, SEE CA7449540) BLOCK  
62 DISTRICT LOT 185 GROUP 1  
NEW WESTMINSTER DISTRICT  
PLAN 92

## LOCAL BUSINESSES

- ① STARBUCKS
- ② THE THREE BRITS
- ③ THE BLIND SPARROW
- ④ HOOK SEABAR
- ⑤ ENGLISH BAY BIKES



January 6, 2020

Chad Cole DBA: Lightbox Enterprises Ltd.  
300-595 Hornby St  
Vancouver, BC V6C2E8

**RE 1778 DAVIE STREET, Vancouver, BC V6G 1W4**  
**Development Application Number DP-2019-00733**

Please be advised that the Director of Planning has Refused DP-2019-00733 on December 20, 2019, for the following reason(s):

- **Refusal 2 - Non-compliance - Regulations;** the proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site;
- **Refusal 7 - Objections Received;** objections have been received from neighbouring property owners;
- **Refusal 9 - Unsatisfactory - Proposed Use;** the proposed use is unsatisfactory at this location;

You may be eligible to appeal this decision to the Board of Variance within 30 days of the date of this letter. For more information please contact the writer.

Yours truly,



Giselle Sneddon  
giselle.sneddon@vancouver.ca  
(604) 829-9491





# NOTICE OF DEVELOPMENT APPLICATION

**1778 Davie Street  
DP-2019-00733**



**September 25, 2019**

Lightbox Enterprises Ltd. has applied to the City of Vancouver for permission to perform interior alterations and change of use from Retail to Retail Cannabis store, including:

- a floor area of approximately 809 sq. ft.; and
- operating hours of Monday to Sunday (7 days per week) from 9:00 am to 11:00 am.

Under the site's existing C-5 zoning, the application is "conditional" so it may be permitted; however, it requires the decision of the Director of Planning.

We welcome your written comments on this application by **October 12, 2019**. For more information and updates, visit: **[vancouver.ca/devapps](http://vancouver.ca/devapps)**

Or contact **Giselle Sneddon**, Project Coordinator at **604.829.9491** or **[giselle.sneddon@vancouver.ca](mailto:giselle.sneddon@vancouver.ca)**







Notification Respondents					Sent: 758		Verified Local			Comment/Concern Breakdown:												
Support	Oppose		Name	Address (App) / (POSSE) REQ = requested	(1) Resp is recipient in POSSE	(2) Resp said they rcvd Postcard	(3) Resp said address in vicinity	Site Sign	Other (Unspecified)	support	family + students	away from residential	patrons + crime	public H+S	smell	traffic + parking	medical	Another one in viscosity	hours of operation (until 11pm)	council or potential protest	Specific:	
0	8		TOTALS		7	0	0	0	1	0	1	1	1	0	2	0	0	3	2	0		
					Combined Local =		7															
	1	R1	s.22(1)	s.22(1)	1													1			School nearby	
	1	R2			1														1			
	1	R3			1																School nearby, english bay already has issues with cannabis use	
	1	R4			1																disrupt harmony of neighbourhood	
	1	R5			1										1			1	1		Smoke,	
	1	R6			1																S/B Retail	
	1	R7							1									1			School nearby,	
	1	R8			1						1	1	1		1						School nearby	
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Notification Respondents					Verified Local			Comment/Concern Breakdown:												
					Verified Local Respondent															
Support	Oppose		Name	Address (App) / (POSSE) REQ = requested	(1) Resp is recipient in POSSE	(2) Resp said they rcvd Postcard	(3) Resp said address in vicinity	Site Sign	Other (Unspecified)	support	family + students	away from residential	patrons + crime	public H+S	smell	traffic + parking	medical	hours of operation (until 10pm)	council or potential protest	Specific:
0	26		TOTALS		2	4	1	1	1	0	24	13	7	6	4	2	2	1	5	
					Combined Local = 7															
	1	R1	s.22(1)	s.22(1)							1									
	1	R2												1		1				
	1	R3				1					1			1		1				
	1	R4									1		1	1	1					
	1	R5				1	1				1		1	1	1					Kerrisdale elementary (1 KM away), Kerrisdale Annex (850 m away), Crofton House (650 m away), Southland Elementary (1.3 KM away) also YMCA day cares in some of these schools
	1	R6					1				1				1					
	1	R7									1				1					
	1	R8				1					1									
	1	R9					1	1			1									
	1	R10									1	1					1		1	
	1	R11									1	1					1		1	
	1	R12									1	1								
	1	R13						1			1	1								
	1	R14																		
	1	R15							1		1									
	1	R16									1	1	1						1	
	1	R17									1	1	1						1	
	1	R18									1	1		1						
	1	R19									1	1							1	
	1	R20									1	1								
	1	R21									1	1								
	1	R22									1	1	1	1						Reading Gate Academy at 204-3540 West 41st Av (200m away) "Arts/self-improvement school" as verified per OC-2017-01545; and Opus Academy at 5635 Dunbar St (90m away) "Arts/self- improvement school" as verified per DB418736 ( 'complete' July 2004)
	1	R23									1	1								
	1	R24									1	1								
	1	R25									1		1							
	1	R26									1		1	1						
		R27																1		
		R28																		
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		R30																		
		R31																		
		R32																		
		R33																		

## **REFUSAL RECOMMENDATION TO DOP**

**ADDRESS:** 1778 Davie St

**PERMIT NUMBER:** DP-2019-00733

**RECOMMENDATION TO:** Joe Bosnjak    **Date:** November 21, 2019    **Staff:** GS

### **RECOMMENDATION SUMMARY:**

I would recommend REFUSAL to perform interior alterations and a change of use from Retail to Retail - Cannabis of approximately 809 sq. ft. in this existing mixed-use building for the following reasons:

**Refusal 2 – Non-compliance – Regulations;** the proposed development does not comply with the regulation of the Zoning and Development By-law that affect the site;

**Refusal 7 – Objections Received;** objections have been received from neighbouring property owners;

**Refusal 9 – Unsatisfactory – Proposed Use;** the proposed use is unsatisfactory at this location;

### **Special Notes from various departments:**

Development	Giselle Sneddon	Accepted with Conditions <ul style="list-style-type: none"><li>- Within 300 m of School</li><li>- Within 300 m of Cannabis Retail</li><li>- Objections received</li></ul>
Social Policy	Samuel Hogg	Accepted
Police	Jodyne Keller	Accepted with conditions <ul style="list-style-type: none"><li>- The VPD does not support this application as it is in close proximity of a school.</li></ul>
Licensing	Sarah Hicks	Accepted with conditions <ul style="list-style-type: none"><li>- The proposed location does not meet by-law requirements for distancing from schools.</li></ul>

### **NOTIFICATION SUMMARY:** Required

Site Sign: Yes                      Sign Installation Confirmed On: Sept 25, 2019  
Letter: Yes    Date Sent: Sept 25, 2019                      Expiry Date: Oct 12, 2019

### **Results of Notification:**



NOTIFIED: 758      RESPONSES: 8  
 OBJECTIONS: 8      IN FAVOUR: 0  
 RESPONSES FROM OUTSIDE OF THE NOTIFICATION AREA: 1  
 IN FAVOUR: 0      OBJECTIONS: 1

**SUMMARY OF RESPONSES:**

4	Too close to school
3	Too close to another Cannabis Retail
2	Concerns with the hours of operation
2	Concerns with the smell
1	Concerns with the smoke
1	Too close to residential
1	Too close to family and students
1	Should be a different form of retail
1	English Bay already has issues with cannabis use being consumed in public areas
1	Will disrupt the harmony of the neighbourhood

**SUMMARY OF COMMENTS RECV'D FROM RECOGNIZED NEIGHBORHOOD GROUPS:**

**HISTORY**

<u>SI408693</u>	Issued 14-Jan-2011	To install one illuminated fascia sign on the northeast elevation of this building.  "QUICK NICKEL" "CLOTHING"
<u>BU406417</u>	Issued 04-Nov-1997	Interior and exterior alterations to this existing restaurant/financial institution/multiple dwelling (58 units) building to provide tenant improvements for the new retail – food tenant (ice cream parlour)

**GUIDELINES**

APPLICABLE: MMRU in Sensitive Areas  
 Section 11 – Cannabis Retail

**TECHNICAL CALCULATION DETAILS:**

	Address	Proximity to proposed site
Lord Roberts Elementary School	1100 Bidwell St	177.34 m
Cannabis Retail Store	1674 Davie St (DP-2019-00202)	160.65 m



**Evaluate Potential MMRU**

Number:  Street Name:

**Address Queried: 1778 Davie St**

**Results:**

**Zone: C-5, in the permitted zone.**

**Failed Buffering From Sensitive Use Sites**

Layer	Site Name	Site Address	Distance (m)
Public School	Lord Roberts Elementary	1100 Bidwell St	177.34

**Failed Buffering From Approved/In-Stream MMRU Sites**

Layer	Site ID	Site Name	Site Address	Distance (m)
In-Stream Approved	DP-2019-00202		1674 DAVIE ST	260.65