

Section 3 Administration

3.1 Authorities

- 3.1.1 Except as otherwise provided in this By-law, the Director of Planning, the City Building Inspector and the Director of Licenses and Inspections are authorized to:
- (a) administer and enforce the provisions of this by-law; and
 - (b) ensure that all projects in respect of which a development permit is issued are carried out in conformity with the terms of such development permit.
- 3.1.2 The Development Permit Board is authorized to carry out those functions delegated to the Development Permit Board in this By-law.
- 3.1.3 The Director of Planning is authorized to keep copies of all development permit applications, correspondence, permits and orders issued, inspections and documents connected with the administration of this By-law.
- 3.1.4 The Director of Planning is authorized to provide plans and documents filed pursuant to the provisions of this By-law for inspection, subject to the provisions of the Freedom of Information and Protection of Privacy Act.
- 3.1.5 The Director of Planning may charge a fee as set out in the Fee Schedule, payable in advance, for the inspection of records referred to in Section 3.1.4.
- 3.1.6 The Director of Planning, the City Building Inspector or the Director of Licenses and Inspections may enter any building, land or premises at any reasonable time for the purpose of administering or enforcing this By-law.
- 3.1.7 The Director of Planning, in granting or refusing development permits, granting relaxations or imposing conditions, must give due regard to the spirit and intent of the By-law.

3.2 Relaxation

- 3.2.1 The Director of Planning may relax the provisions of this By-law where, due to conditions peculiar either to the site or to the proposed development, literal enforcement would result in unnecessary hardship in any of the following cases:
- (a) alterations or additions to an existing building which lacks minimum yards required by the appropriate district schedule. Any relaxation in this case shall be with respect to yard requirements only and in no case shall such yard requirements be reduced to less than 60 percent of the amount specified in the district schedule, or if applicable, already relaxed by section 11;
 - (b) erection of more than one principal building on one site or structural alterations or additions to two or more principal buildings existing on the same site and located in a C, M, I or CD District;
 - (c) erection of more than one principal building on one site or structural alterations or additions to two or more principal buildings existing on the same site where such principal buildings consist of multiple dwellings located within any R district, subject to the arrangement of such principal buildings being satisfactory to the Director of Planning;

- (d) retention of more than one principal building on one site where an application for a development permit has been made but the permit cannot be issued because of a requirement to consolidate or subdivide the site;
- (e) the placement of one or more portable classrooms on an elementary or secondary school site, where the existing or proposed development exceeds permitted floor space ratio or site coverage, or lacks minimum yards or setbacks, as specified in the district schedule or section 11;
- (f) erection of a new elementary or secondary school building, or alterations or additions to an existing elementary or secondary school building, where the existing or proposed development exceeds permitted floor space ratio, or site coverage, or lacks minimum yards or setbacks, as specified in the district schedule or section 11;
- (g) despite anything to the contrary in this By-law, if:
 - (i) the construction or alteration of, or addition to, a one-family dwelling, two-family dwelling, one-family dwelling with secondary suite, two-family dwelling with secondary suite or laneway house is to include enhanced accessibility to and from the dwelling, by way of ramps, lifts, or other like means, for persons who find conventional accesses impossible or difficult because they have a loss or reduction of functional ability or activity, and
 - (ii) the Director of Planning first considers all applicable guidelines and policies adopted by Council,

the Director of Planning may relax the requirements in the appropriate district schedule, regarding yards, setbacks, site coverage, impermeability, building depth, and side door entrance to the extent necessary to allow such enhanced accessibility.

- 3.2.2 The Director of Planning may relax the provisions of this By-law relating to any of the following:
- (a) required setbacks to off-street parking areas where, in the opinion of the Director of Planning, the landscaping provided or to be provided is adequate to warrant such relaxation, except that in a C-1 or R District, no relaxation shall be granted which has the effect of reducing the front yard to less than the required depth of an adjoining front yard;
 - (b) the maximum projection of balconies into required yards, horizontal daylight control angles and limitations on building length.
- 3.2.3 The Director of Planning, before granting any relaxation pursuant to subsection 3.2, shall be satisfied that any property owner likely to be adversely affected is notified. Such notification shall be in the form appropriate to the circumstances.
- 3.2.4 The Development Permit Board, in the exercise of its jurisdiction, may relax the provisions of this By-law in any case where literal enforcement would result in unnecessary hardship. In granting any relaxation, the Board shall have regard to the intent of this By-law, the regulations and policies of any Official Development Plan, and such other applicable policies and guidelines adopted by Council.
- 3.2.5 The Director of Planning or the Development Permit Board, as the case may be, may relax the provisions of this By-law where
- (a) literal enforcement would result in unnecessary hardship in carrying out any restoration or renovation of a building or site on the Heritage Register, or
 - (b) Council determines that the proposed development would make a contribution to conserving a building or site designated by Council as protected heritage property or a building or site on the Heritage Register.

Any development permit issued shall specify the heritage aspects of the building or site that merit the relaxation authorized by this section. Before granting any relaxation, the Director of Planning or the Development Permit Board shall:

- (c) consider any advice from the Vancouver Heritage Commission or any other body established by Council for this purpose defining the aspects of the building or site that give it heritage value and advising on the proposed conservation work;
 - (d) notify such adjacent property owners and tenants as deemed necessary, consider the responses received, and if there is significant objection, refer the matter to Council for advice; and
 - (e) consider the provisions of this By-law and all applicable policies and guidelines adopted by Council.
- 3.2.6 The Director of Planning is authorized to determine whether or not a building is a character house and, in making that determination, may consider the age and architectural form and style of the building, in accordance with all applicable Council policies and guidelines.
- 3.2.7 If an owner applies to replicate a Multiple Conversion Dwelling or Infill use damaged by fire to the extent of 60% or more of its value above its foundations, and the Director of Planning has previously given a bonus or relaxation under the RT-3, RT-4, RT-4A, RT-4N and RT-4AN, RT-5 and RT-5N, RT-6, RT-7, RT-8, RT-9, RT-10 and RT-10N, RT-11 and RT-11N, RM-1 and RM-1N, RM-7, RM-7N and RM-7AN, RM-8 and RM-8N or RM-9, RM-9A, RM-9N, RM-9AN and RM-9BN districts schedules in respect of such use, and the proposed replication is in accordance with the most recently issued development or building permits for that use, the Director of Planning must relax the provisions of the applicable districts schedules to the extent necessary to permit the replication.
- 3.2.8 The Director of Planning may relax the provisions of this By-law regulating the siting of a building where literal enforcement would result in unnecessary hardship if an existing tree could not be retained, provided that:
- (a) the proposed siting of a building will accommodate the retention of an existing tree which, in the opinion of the Director of Planning, warrants retention; and
 - (b) the resulting siting of a building will not, in the opinion of the Director of Planning, result in unduly adverse effects on adjacent properties.
- 3.2.9 The Director of Planning must relax the provisions in regards to minimum site width in the RS-1, RS-5, and RS-6 district schedules to permit the construction of a one-family dwelling on an existing lot which is on record in the Land Title Office as of June 24, 2014 if the use was previously approved under issued development or building permits.
- 3.2.10 The Director of Planning or the Development Permit Board may relax the provisions of this by-law where the proposed development makes provision for low cost housing for persons receiving assistance, if the Director of Planning or the Development Permit Board first considers:
- (a) all applicable Council policies and guidelines;
 - (b) the impact on the liveability of neighbouring residents; and
 - (c) the proposed development is not in the RS-1, RS-1A, RS-1B, RS-2, RS-3 and RS-3A, RS-4, RS-5, RS-6, RS-7, RT-1, RT-4, RT-7, RT-9, RT-10 or RT-11 zoning district or in any other zoning district that permits one family dwellings and does not permit multiple dwellings.

For the purposes of this section, low cost housing for persons receiving assistance means social housing, except that 70% of the dwelling units must be occupied by persons eligible for either Income Assistance or a combination of basic Old Age Security pension and Guaranteed Income Supplement and must be rented at rates no higher than the shelter component of Income Assistance, and the remainder of the dwelling units must be occupied by households with incomes below housing income limits, as set out in the current 'Housing Income Limits' table published by the British Columbia Housing Management Commission, or equivalent publication.

- 3.2.11 The authority of the Director of Planning or the Development Permit Board to relax any provision of this by-law pursuant to this section 3.2 includes the authority to impose conditions, including but not limited to time limitations.

3.3 Development Permits

- 3.3.1 In dealing with applications for development permits the Director of Planning or the Development Permit Board may in every case and in accordance with the provisions of this By-law grant such permits either unconditionally or subject to conditions, including a limitation in time, or may refuse such applications.

- 3.3.2 Notwithstanding the provisions of this By-law, an application for a development permit may be refused if the development in respect of which application is made:

- (a) does not conform to an amendment to the Zoning and Development By-law for which a formal application has been made prior to the application for the development permit;
- (b) refers to a site or a portion thereof required for any civic purpose, in which case the Director of Planning shall refer the application to the City Council for authority either to negotiate with the applicant or to issue the development permit;
- (c) would prejudice the future subdivision of the property;
- (d) refers to a site where adequate drainage, sanitary facilities or water supply are not available;
- (e) would in the opinion of the City Engineer adversely affect the public safety;
- (f) would in the opinion of the Director of Planning or the Development Permit Board adversely affect public amenity. If matters of design are involved, the application may first be referred to the Urban Design Panel for consideration and advice; or
- (g) includes a conversion or demolition under the Single Room Accommodation By-law but Council has not approved issuance of a conversion or demolition permit for such conversion or demolition.

- 3.3.3 Notwithstanding the provisions of this By-law, the Director of Planning may in his discretion either approve, approve subject to conditions or refuse development permit applications for which the consent of the Development Permit Board would otherwise be required. However, a member of the Development Permit Board may, prior to consideration of an application by the Director of Planning, require that it be considered by the Board and in that case the Director of Planning shall not exercise the sole discretion otherwise given by this section.

- 3.3.4 The Director of Planning shall not exercise his discretion pursuant to subsection 3.3.3 above where, in his opinion:

- (a) the development would have a significant effect on the existing immediate environment;
- (b) the development would create traffic implications that could affect the general environment;
- (c) the height or density of any proposed building would not be in keeping with the general building heights or density in the immediate environment;
- (d) there may be possible significant buildings of heritage value on the site or in the surrounding area that may be adversely affected by the development;
- (e) the design is not of an acceptable standard and may adversely affect public amenity, in which case the Director of Planning may first request advice from the Urban Design Panel;
- (f) the development is such that special public amenities could be considered for density bonus or other special advantages; or
- (g) the proposed development could affect any public policy objectives, established or potential, including future transit locations and open space needs.

- 3.3.5 The Development Permit Board or the Director of Planning may refer any application for a development permit to the Urban Design Panel for advice and may notify such property owners and tenants it deems necessary.

[See By-law No. 4722, Appendix F]

- 3.3.6 Despite anything to the contrary in this by-law, the Director of Planning or the Development Permit Board must not issue a development permit for a multiple dwelling with six or more dwelling units in the RM-2, RM-3, or RM-3A districts, the RM-4 and RM-4N districts, the RM-5, RM-5A, RM-5B, RM-5C and RM-5D districts, the RM-6 district, or the FM -1 district, unless the development permit is subject to conditions requiring the provision of a housing agreement which complies with the requirements of the applicable districts schedule or district schedule.

