



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

Planning, Urban Design and Sustainability Department

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HERITAGE PROFORMA REVIEW - INTERIM POLICY

*Authority - Director of Planning
Effective June 11, 2014*

Intent

On December 4th, 2013, Vancouver City Council approved the Heritage Action Plan, which responds to citizen and Council's desire to encourage and support heritage conservation in the City. The report, entitled Action Plan to Update the Heritage Conservation Program, may be found at: <http://former.vancouver.ca/ctyclerk/cclerk/20131204/documents/ptec8.pdf>

The report recommends a number of actions to update and strengthen the City's Heritage Conservation Program in a strategic and comprehensive manner. This update will include a number of "quick starts" as well as several medium- to longer-term actions which will be brought back to Council over time. The report also states that staff are presently reviewing the requirement for development proformas with a view to potentially removing this requirement for applications under a certain size, as part of the "quick-starts" noted above.

The interim policy statement described below addresses the proforma exemption initiative and is meant to augment the current Heritage Policies and Guidelines up until such time as these policies are amended.

Application

Financial analysis of projects receiving heritage incentives and/or involving heritage designation (approval of a Designation By-law) currently require review of the owner's proforma, which may include hard and soft costs related to a project, and in some cases, projected revenues. The analysis of the proforma can take time. For smaller residential sites and projects, this processing time can be a concern for owners. In the RS and RT zones (which encompass most residential zones where heritage or character houses occur), proforma reviews typically yield a bonus of on-site density of approximately 10% in excess of the permitted density in return for the encumbrance of heritage designation, and as compensation for heritage costs related to rehabilitation. The Heritage Policies and Guidelines permit the Director of Planning to approve up to 10% over the permitted density without Council approval (using provisions in Section 3 of the Zoning and Development By-law). In respect of this, where bonus density requested is less than or equal to 10% over the density permitted in the zoning for a heritage resource which is to be designated (i.e. protected by a Designation By-law), a proforma review will not be required subject to the following:

- (1) The bonus density sought is to be used on the development site (i.e. not transferred);
- (2) A variance of use is not proposed;
- (3) A *Subdivision By-law* variance is not proposed;
- (4) A variance of a Development Cost Levy (DCL) is not proposed;

- (5) If strata titling is proposed, it is permitted under the current zoning applicable to the site, including any relevant guidelines and polices regarding strata titling (and/or residential rental units); and
- (6) The owner agrees that they have been adequately compensated for the encumbrance of heritage designation on land value, and any heritage costs sought as part of the application, to the satisfaction of the Director of Legal Services and the Director of Planning.
- (7) The site is in an RS or RT zone (although the Director of Planning may consider sites in other zones for which development similar to what might occur in RS and RT zones is proposed).
- (8) If located in a zone where infill development is permitted, and for an application involving infill development, a variance of any guidelines or regulations providing for infill development is NOT proposed (i.e. in RT zones the minimum required side yard for infill development is met).
- (9) The designation is considered by the Director of Planning and the Director of Real Estate Services to be “voluntary”- i.e. no HRA or CD-1 By-law is proposed and the only non-conformities with respect to use and/or density legally exist at the time the application for designation is approved.

Regarding (6) above, this is usually accomplished by way of an agreement (Section 219 Covenant), registered on title to the development site, which is to be signed, completed, and registered on title prior to issuance of the development permit application. This may also be accomplished by a Heritage Revitalization Agreement (HRA) in some cases, depending on the variances being proposed. However, an HRA is required to be signed by an owner in advance of proceeding to a public hearing for the designation and for the HRA By-law.

Variances of dwelling unit density and parking/loading relaxations, as well as heights and yards and similar provisions, are not included in the limitations noted above. The Director of Planning may support and/or grant these variances and/or relaxations provided the Director of Planning concludes that these variances or relaxations are supportable with respect to view and privacy impact, shadowing, and livability.

For purposes of determining what the permitted density is for calculating the 10% limit, tables are provided below (FSR = floor space ratio). The tables only refer to the overall permitted density. In RS zones where “above grade” floor area is restricted, with the exception of the RS-3 and RS-3A zones, the “above grade” provisions may be varied provided the 10% density limit for the overall density is not exceeded and provided the Director of Planning is satisfied with the allocation of density on the site and the proposed heritage conservation.

Note: The Zoning By-law is amended from time to time. Applicants and owners should always check the zoning applicable to the site in question regarding any changes from those values noted in this document.

Table 1: RS Zoned Sites

Zone	Maximum Permitted Density* (FSR)	Maximum Density With 10% Bonus Density But Not a Laneway House (FSR)	Maximum Density With 10% Bonus Density and a Laneway House (FSR)**
RS-1	0.70 to 0.75*	0.77 to 0.83*	0.93 to 0.99
RS-3, RS-3A	0.20 + 130 m ²	0.22 + 143 m ²	(0.22 + 143 m ²) + 0.16
All other RS	0.70 to 0.75*	0.77 to 0.83*	0.93 to 0.99*

* Based on site size and/or other zoning provisions

** Laneway Housing does not have a prescribed density. The values listed are approximate and only noted for general reference. The size of a Laneway House on a site may vary based on site size or other site constraints.

Table 2: RT Zoned Sites

Zone	Maximum Permitted Density* (FSR)	Maximum Density With 10% Bonus (FSR)
RT-1, RT-4, RT-7	0.60	0.66
RT-2	0.60 to 0.75*	0.66 to 0.83
RT-3	0.75 to 0.95*	0.83 to 1.05
RT-5, RT-6, RT-8, RT-9	0.75	0.83
RT-10	0.60 to 0.83*	0.66 to 0.91
RT-11	0.60 to 0.90*	0.66 to 0.99

* Based on site size and/or other zoning provisions