

City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 873.7060
planning@city.vancouver.bc.ca

CD-1 (417)

2876 Rupert Street

By-law No. 8599

(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

Effective November 26, 2002

1 Application

The provisions of this By-law apply to the area shown included within the heavy black outline on Schedule A, attached to and forming part of this By-law, which area (although part of a larger area zoned CD-1 by By-law No. 6654) will be more particularly described as CD-1(417).

2 Uses

The only uses permitted within CD-1 (417), subject to such conditions as Council may by resolution prescribe, and the only uses for which the Director of Planning or Development Permit Board will issue development permits, are:

- (a) Cultural and Recreational Uses, limited to Artist Studio and Park or Playground;
- (b) Dwelling Uses, limited to Dwelling Unit for a caretaker, watchperson or other person similarly employed, if such Dwelling Unit is essential to the viability of the business or establishment, and Residential Unit associated with and forming an integral part of an Artist Studio;
- (c) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Brewing or Distilling, Chemicals or Chemical Products Manufacturing - Class B, Clothing Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Machinery or Equipment Manufacturing, Metal Products Manufacturing - Class B, Miscellaneous Products Manufacturing, Motor Vehicle Parts Manufacturing, Non-metallic Mineral Products Manufacturing - Class B, Paper Manufacturing, Paper Products Manufacturing, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, Transportation Equipment Manufacturing, and Wood Products Manufacturing - Class B;
- (d) Office Uses, limited to General Office except for offices of accountants, lawyers, notaries public, and real estate, advertising, insurance, travel and ticket agencies;
- (e) Retail Uses, limited to Adult Retail Store, Furniture or Appliance Store, Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, Pawnshop, Retail Store except for clothing sales, Secondhand Store, and Vehicle Dealer;
- (f) Service Uses, limited to Animal Clinic, Auction Hall, Catering Establishment, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class A, Repair Shop - Class B, School - Vocational or Trade, Sign Painting Shop, and Work Shop;
- (g) Transportation and Storage Uses, limited to Cold Storage Plant, Packaging Plant, Storage Warehouse, Storage Yard, Taxicab or Limousine Station, Truck Terminal or Courier Depot, Weighing or Inspection Station, and Works Yard;
- (h) Utility and Communication Uses, limited to Public Utility, Radiocommunication Station, and Recycling Depot;
- (i) Wholesale Uses, limited to Bulk Fuel Depot, Cardlock Fuel Station, Junk Yard or Shop, Wholesaling - Class A, and Wholesaling - Class B; and
- (j) Accessory Use customarily ancillary to any of the uses permitted by this section 2, including accessory office, except that the total area of all accessory uses must not be greater than 33 1/3 % of the gross floor area of the principal and accessory uses combined, and a wall must separate the floor area in accessory uses accessible to the general public from the floor area in other uses.

3 Floor Space Ratio

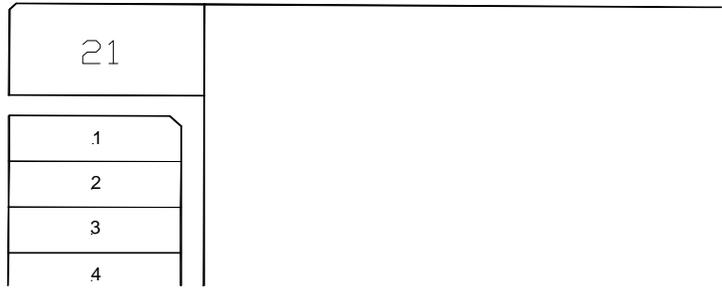
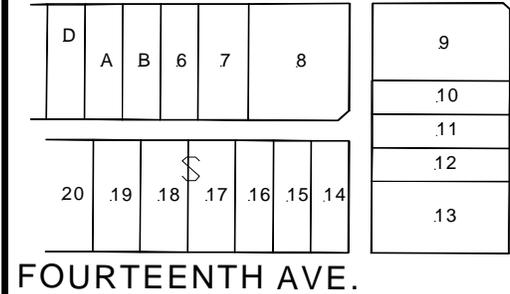
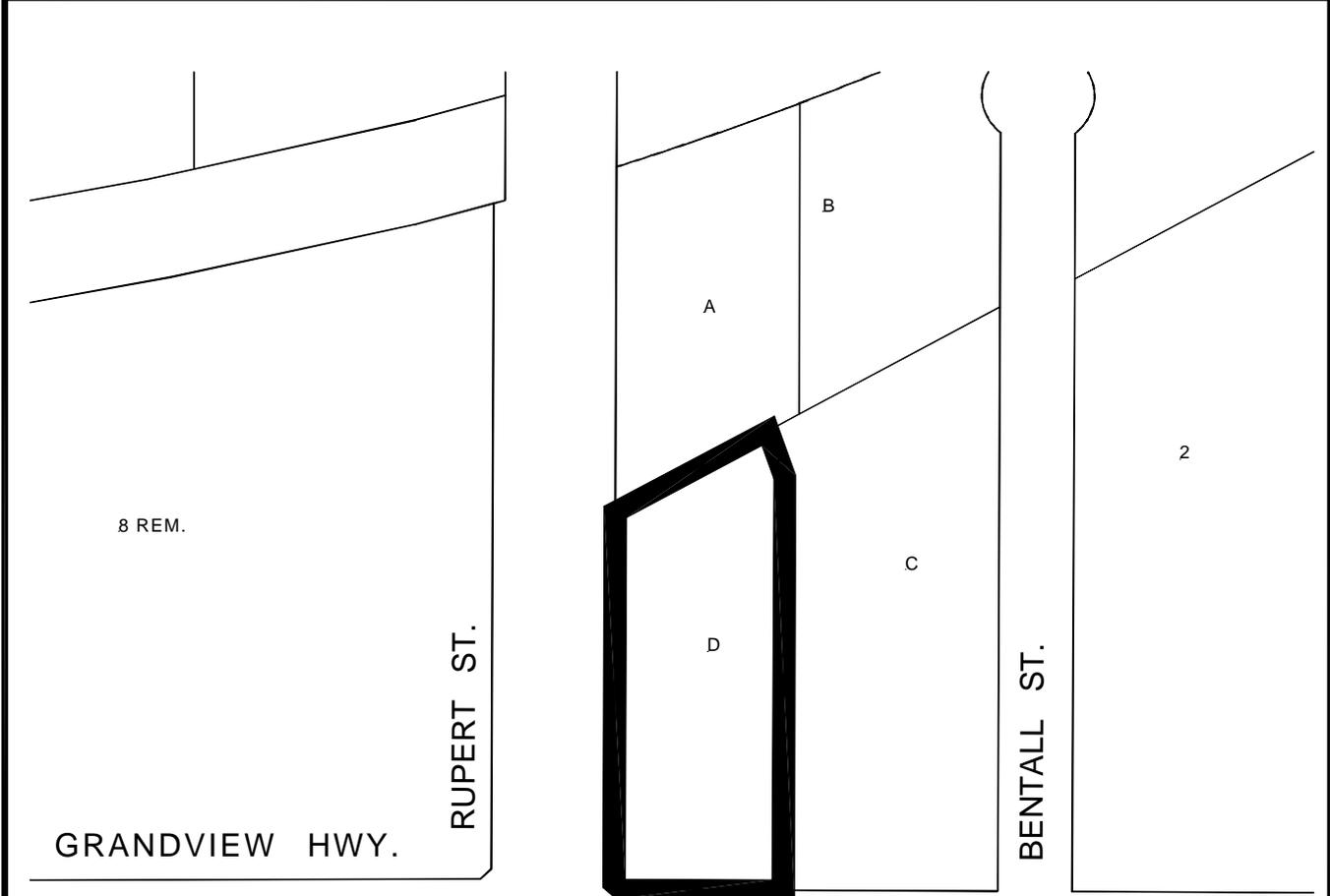
3.1 The floor space ratio, except for General Office use, must not exceed 0.41.

3.2 The floor space ratio for General Office use must not exceed the greater of 235 m² and 33 1/3% of the total gross floor area of all principal and accessory uses combined.

- 3.3** For the purpose of computing floor space ratio, the site will consist of all parcels of land to which this By-law applies, and will be deemed to be 5 845 m², being the site size at the time of the rezoning application, prior to any dedication of one or more portions of the site.
- 3.4** Computation of floor space ratio must include:
- (a) measurement of all floors of all buildings, including accessory buildings, both above and below ground level, to the extreme outer limits of the buildings.
- 3.5** Computation of floor space ratio must exclude:
- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area;
- (b) patios and roof gardens, for residential purposes only, if 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:
- (i) are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; or
- (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) storage space associated with an Artist Studio - Class B where the space is below the base surface, except that the exclusion for storage space for each Artist Studio - Class B must not exceed 20 m²;
- (e) amenity areas for the social and recreational enjoyment of residents and employees or for service to the public, including facilities for general fitness, general recreation and child day care, except that:
- (i) the exclusion for all amenity areas must not exceed the lesser of 20% of the permitted floor space and 100 m²; and
- (ii) for child day care facilities, the Director of Planning, on the advice of the Director of Social Planning, is satisfied that a need for a day care facility exists on site or in the immediate neighbourhood; and
- (f) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause will not apply to walls in existence prior to March 14, 2000.
- 4** Height
- 4.1** Building height measured above the base surface must not exceed 7.5 m.
- 5** Off-Street Parking and Loading
- 5.1** Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of the Parking By-law, of off-street parking, loading, and bicycle storage.

- 5.2** Except for individual retail units, the provision of parking must equal at least one space for each 100 m² of gross floor area up to 300 m², and one additional space for each additional 50 m² of gross floor area.
- 5.3** If compliance with the requirements of sections 5.1 and 5.2 will result in unnecessary hardship and if the Director of Planning is of the opinion that relaxation of the requirements of sections 5.1 and 5.2 will not adversely impact surrounding developments and residents or the parking needs of residents or visitors to the site, the Director of Planning, on the advice of the City Engineer, may relax the requirements of sections 5.1 and 5.2.
- 6** **Force and Effect**
This By-law is to come into force and take effect on the date of its enactment.
- 7** *[Section 7 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and certify the by-law number and date of enactment.]*

By-law No. _____ being a By-law to amend By-law No. 3575
 being the Zoning & Development By-law



The property outlined in black (**█**) is amended:
 From CD-1 (249) to CD-1 (417)

Z-530

2876 Rupert Street

map: 1 of 1

scale: 1:2000



City of Vancouver

**CITY OF VANCOUVER****SPECIAL COUNCIL MEETING MINUTES****May 14, 2002**

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 14, 2002, at 7:30 p.m., in the Council Chamber, third floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development Bylaw, Sign By-law and Heritage By-law, and a Heritage Revitalization Agreement.

PRESENT:

Mayor Philip Owen
Councillor Fred Bass
Councillor Lynne Kennedy
Councillor Daniel Lee
Councillor Don Lee
Councillor Tim Louis
Councillor Sandy McCormick
Councillor Gordon Price
Councillor George Puil
Councillor Sam Sullivan

ABSENT:

Councillor Jennifer Clarke (Leave of Absence)

CITY CLERK'S**OFFICE:**

Nancy Largent, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Don Lee

SECONDED by Councillor Bass

THAT this Council resolve itself into Committee of the Whole, Mayor Owen in the Chair, to consider proposed amendments to the Zoning and Development Bylaw.

CARRIED UNANIMOUSLY

2. Rezoning: 2876 Rupert Street

1401-44/5307

An application by the Spaxman Consulting Group Limited was considered as follows:

Summary: The proposed rezoning would permit highway oriented retail uses on the site. Amendments are also required to the Zoning & Development By-law and the Sign By-law.

The Director of Current Planning recommended approval, subject to conditions set out in the agenda of the Public Hearing.

Staff Comments

Lynda Challis, Planner, advised that the applicant would be requesting that some conditions be amended, as set out in Appendix F of the Policy Report dated January 17, 2002. Staff have held a number of meetings with the applicant about these conditions, and do not support the amendments requested. Ms. Challis explained the rationale for recommending approval of the conditions, emphasizing the need for consistency..

Ms. Challis and Larry Beasley, Director of Current Planning, responded to questions about the location of the SkyTrain station, transportation demand management, and the daylighting of Still Creek.

Applicant Comments

Ray Spaxman Applicant, requested four changes to the fourteen proposed conditions, with the assistance of visual aids:

- too many trees have been required in a limited space, affecting visibility of the store and its signs as well as the viability of the trees; numbers should be reduced [conditions (b) (iii) and (iv)];
- amend condition (b) (v) to permit the pedestal sign at the corner of Rupert Street and Grandview Highway to remain;
- delete condition (b) (vi), permitting the existing colour scheme of the building to be retained;
- delete condition (b) (vii), which requires expensive continuous pedestrian weather protection to replace an adequate entrance canopy.

Mr. Spaxman felt that these conditions are onerous to an existing business, but may well be achieved through future development on the site.

Mr. Spaxman responded to questions about transportation demand management, numbers of trees, screening of signs, and the building colour scheme.

Ms. Challis answered a question about the availability of tree species able to fit along the sidewalk and still allow canopy space.

Mr. Beasley advised staff will work with a Parks arborist and Engineering to achieve the appropriate weather protection of trees. There is need to green and soften this space. However, provided the trees are retained, Mr. Beasley was prepared to withdraw the condition regarding the colour scheme.

Summary of Correspondence

No correspondence was received on this item.

Speakers

The Mayor called for any speakers and none came forward.

Council Decision

MOVED by Councillor Puil

THAT the application by the Spaxman Consulting Group Limited to amend CD-1 By-law No. 6654 for 2876 Rupert Street (Lot D, Block 1345, DL 536, Plan 5272) to permit highway-oriented retail uses be approved, subject to the following conditions:

- (a) THAT the proposed form of development be approved by Council in principle, generally as prepared by Douglas L Massie Architect, and stamped "Received City Planning Department, August 15, 2000", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:
 - (i) design development to reconfigure the parking area in conjunction with a landscape plan that provides for an enhanced pedestrian experience;

Note to applicant: Design development should reconfigure the parking layout as an entry court with defined circulation routes, and increase

permeable surfaces with landscaping. In addition, the landscape buffer along the north edge should be increased to provide more separation between the private road and the parking area. Garbage areas should be screened. On the east side of the site adjacent to the neighbouring site, a 1.0 m (3 ft.) landscape setback with a hedge should be provided;

- (ii) design development to provide a landscaped setback of 3.6 m adjacent to the existing parking area along Rupert Street;

Note to applicant: The landscaped setback should be planted with grass adjacent to the sidewalk to widen the public realm, stepping back to layered planting adjacent to the parking area. The vehicular crossing width off Rupert Street should be minimized and enhanced with low planting on both sides. Surface parking and signage should be removed from the landscaped setback.

- (iii) design development to provide a single row of street trees along Rupert Street and to co-ordinate the tree spacing with the required weather protection;

- (iv) design development to provide additional rows of the doubled trees within the landscaped setback along the Grandview Highway frontage;

Note to applicant: The hedge at the street should be deleted or moved back against the building.

- (v) design development to delete the signage in the landscaped setbacks, including existing signage boards located in the parking lot and the pedestal sign at the corner of Rupert and Grandview;

- (vi) design development to enhance the building's colour to reflect a more industrial character for the precinct;

Note to applicant: The use of a single subdued exterior colour is encouraged with the use of primary colours limited to accent areas.

- (vii) design development to provide weather protection along the length of the Rupert Street frontage that is designed as an integral feature reflecting a more industrial, transparent character using glass/steel to enhance pedestrian interest along this facade;

Note to applicant: Consideration should be given to replacing or

enhancing the existing Rupert Street entry canopy with a canopy (or canopies) of a lighter design, which is integrated with the weather protection along the length of Rupert Street. Canopy design should be coordinated with street tree locations. Canopy systems should incorporate integrated signage and lighting.

- (viii) design development to provide building and landscape lighting, including entry path lighting that is integrated into the site design;
- (ix) design development to reduce the scale and scope of any proposed/existing signage, noting that the signage should be subordinate to the design of the building;

Note to applicant: A comprehensive signage program for the site should be provided.

- (x) design development to take into consideration the principles of CPTED having particular regard for:
 - graffiti through the use of landscaping, building materials and coatings,
 - break and entry without the use of bars on windows, and
 - theft and robbery in the parking area.
 - (xi) provision of a security report to address potential impacts of adjacent SkyTrain station; and
 - (xii) provision of oil interceptors in the parking lot to provide greater control on inputs to Still Creek.
- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:
- (i) make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for all new hydro and telephone services to be undergrounded from the closest existing suitable service point including a review of the impact of the new site servicing to determine it's effect on the neighbourhood (this could result in the service point being adjusted to reduce the impact on the surrounding neighbourhood); and
 - (ii) make suitable arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for:

- 1) registration of an option to purchase over the portions of Lot D, South ½ of Section 38, Town of Hastings Suburban Lands, Plan LMP5272 currently covered by registered charges Easement and Indemnity Agreement 179312M and Easement BL1701117, the same as shown in heavy outline on the sketch attached as Appendix C. The option to be for a nominal fee and otherwise to be on terms satisfactory to the General Manager of Engineering Services and the Director of Legal Services; and
- 2) clarification of all charges registered in the Land Title Office against title to the lands (a charge summary, including copies of all charges, must be provided) and the modification, extension or release of any charges deemed necessary by the Director of Legal Services.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances effecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law; provided, however, the Director of Legal Services may, in her sole discretion and on terms she considers advisable, accept tendering of the preceding agreements for registration in the appropriate Land Title Office, to the satisfaction of the Director of Legal Services, prior to enactment of the by-law.

The Preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

Amended

AMENDMENT MOVED by Councillor McCormick

THAT the foregoing motion be amended by deleting condition (b) (vi).

CARRIED

(Councillors Bass, Don Lee, Louis and Puil opposed)

AMENDMENT MOVED by Councillor Bass

THAT a further condition be added requiring the applicant to develop and submit to the General Manager of Engineering Services a trip reduction plan for employees and customers; and

FURTHER THAT the Director of Current Planning and General Manager of Engineering Services bring forward a report to incorporate trip reduction plans in all rezonings where workable.

LOST

(Councillors Kennedy, Daniel Lee, Don Lee, McCormick, Price, Puil, Sullivan and the Mayor opposed)

MOTION AS AMENDED

THAT the application by the Spaxman Consulting Group Limited to amend CD-1 By-law No. 6654 for 2876 Rupert Street (Lot D, Block 1345, DL 536, Plan 5272) to permit highway-oriented retail uses be approved, subject to the following conditions:

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- (v) design development to delete the signage in the landscaped setbacks, including existing signage boards located in the parking lot and the pedestal sign at the corner of Rupert and Grandview;

- (vi) *deleted;*

- (vii) design development to provide weather protection along the length of the Rupert Street frontage that is designed as an integral feature reflecting a more industrial, transparent character using glass/steel to enhance pedestrian interest along this facade;

Note to applicant: Consideration should be given to replacing or enhancing the existing Rupert Street entry canopy with a canopy (or canopies) of a lighter design, which is integrated with the weather protection along the length of Rupert Street. Canopy design should be coordinated with street tree locations. Canopy systems should

incorporate integrated signage and lighting.

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- (i) make suitable arrangements, to the satisfaction of the General Manager of Engineering Services, for all new hydro and telephone services to be undergrounded from the closest existing suitable service point including a review of the impact of the new site servicing to determine it's effect on the neighbourhood (this could result in the service point being adjusted to reduce the impact on the surrounding neighbourhood); and
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The Preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary by and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

CARRIED UNANIMOUSLY

Italics denote amendment.

2876 Rupert Street

BY-LAW NO. 8599

**A By-law to amend Zoning and Development By-law No. 3575
to provide uses and regulations for a portion
of an area zoned CD-1 by By-law No. 6654**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Application

1. The provisions of this By-law apply to the area shown included within the heavy black outline on Schedule A, attached to and forming part of this By-law, which area (although part of a larger area zoned CD-1 by By-law No. 6654) will be more particularly described as CD-1(417).

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- (d) Office Uses, limited to General Office except for offices of accountants, lawyers, notaries public, and real estate, advertising, insurance, travel and ticket agencies;
- (e) Retail Uses, limited to Adult Retail Store, Furniture or Appliance Store, Gasoline Station - Full Serve, Gasoline Station - Split Island, Liquor Store, Pawnshop, Retail Store except for clothing sales, Secondhand Store, and Vehicle Dealer;
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- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area;
- (b) patios and roof gardens, for residential purposes only, if 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:
 - (i) are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the exclusion for a parking space must not exceed 7.3 m in length;
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 - (i) the exclusion for all amenity areas must not exceed the lesser of 20% of the permitted floor space and 100 m²; and
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Height

4. Building height measured above the base surface must not exceed 7.5 m.

Off-street Parking and Loading

5.1 Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of the Parking By-law, of off-street parking, loading, and bicycle storage.

5.2 Except for individual retail units, the provision of parking must equal at least one space for each 100 m² of gross floor area up to 300 m², and one additional space for each additional 50 m² of gross floor area.

5.3 If compliance with the requirements of sections 5.1 and 5.2 will result in unnecessary hardship and if the Director of Planning is of the opinion that relaxation of the requirements of sections 5.1 and 5.2 will not adversely impact surrounding developments and residents or the parking needs of residents or visitors to the site, the Director of Planning, on the advice of the City Engineer, may relax the requirements of sections 5.1 and 5.2.

Force and effect

6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 26th day of November, 2002

(Signed) "Philip W. Owen"
Mayor

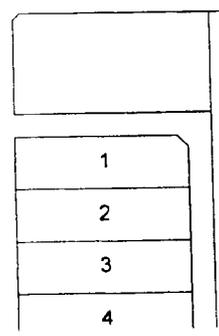
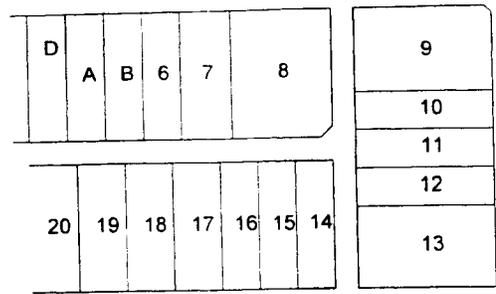
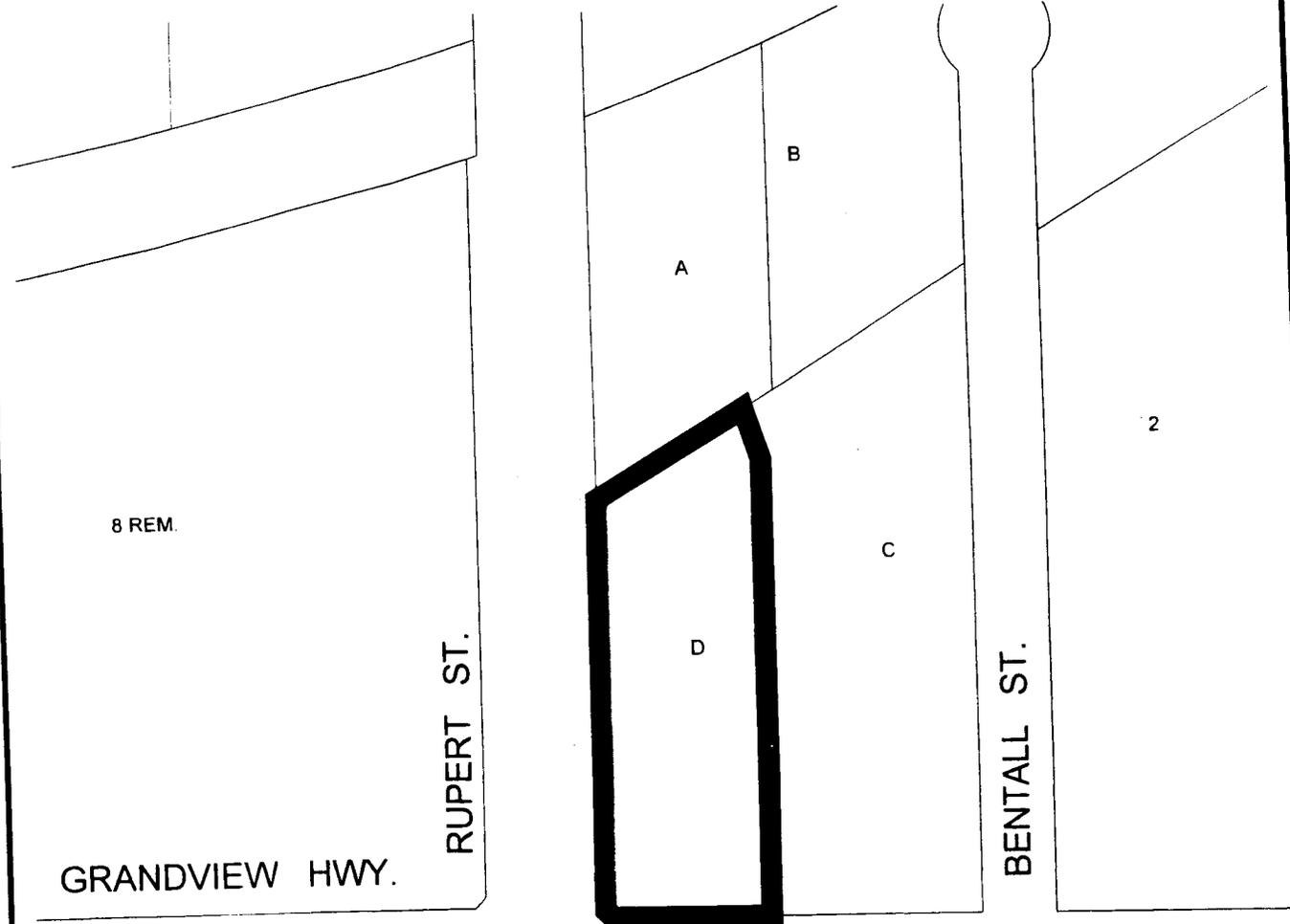
(Signed) "Syd Baxter"
City Clerk

I certify that this is a true copy of By-law No. 8599 enacted by the Council of the City of Vancouver on November 26, 2002.

CITY CLERK

By-law No. 8599 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



FOURTEENTH AVE.

The property outlined in black () is amended:
From CD-1 (249) to CD-1 (417)

Z-530

2876 Rupert Street

map: 1 of 1
scale: 1:2000



BY-LAWS

MOVED by Councillor Sullivan
SECONDED by Councillor Don Lee

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1, 4 to 8, and 10 to 13 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

MOVED by Councillor Sullivan
SECONDED by Councillor Don Lee

THAT Council, except for those members excused as noted in the agenda, enact the by-law listed on the agenda for this meeting as number 9, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED
(Councillor Bass opposed)
(Councillor Clarke excused from voting)

1. A By-law to amend License By-law No. 4450 to re-define liquor establishments

(By-law No. 8593)

2. A By-law to amend License By-law No. 4450 with respect to pawnbrokers and secondhand dealers - Referred to Regular Council meeting immediately following Standing Committee on City Services and Budgets meeting on November 28, 2002.

3. A By-law to amend Secondhand Dealers and Pawnbrokers By-law No. 2807 re secondhand dealers - Referred to Regular Council meeting immediately following Standing Committee on City Services and Budgets meeting on November 28, 2002.

4. A By-law to amend Sign By-law No. 6510 (re 651 Expo Boulevard)

(By-law No. 8594)
(Councillors Clarke, Daniel Lee, Puil and the Mayor excused from voting)

5. A By-law to amend Noise Control By-law No. 6555 (651 Expo Boulevard)

(By-law No. 8595)

6. A By-law to amend Subdivision By-law No. 5208 (8190 Chester Street)

(By-law No. 8596)

7. A By-law to amend Building By-law No. 8057 re housekeeping and technical amendments (By-law No. 8597)

8. A By-law to exempt from taxation certain lands and improvements pursuant to section 396 of the Vancouver Charter (Seniors Housing) (By-law No. 8598)

9. A By-law to amend Zoning and Development By-law No. 3575 to provide uses and regulations for a portion of an area zoned CD-1 By-law No. 6654

(re **2876 Rupert Street**) (By-law No. 8599)
(Councillor Bass opposed)
(Councillor Clarke excused from voting)

10. A By-law to amend Zoning and Development By-law No. 3575 (re 2876 Rupert Street) (By-law No. 8600)

(Councillor Clarke excused from voting)

11. A By-law to amend By-law No. 6654, being a by-law which amended Zoning and Development By-law No. 3575 by re-zoning an area CD-1 and providing uses and regulations for it (re Still Creek) (By-law No. 8601)

(Councillor Clarke excused from voting)

12. A By-law to amend the Grandview Boundary Industrial Area Development Cost Levy By-law No. 8583 (By-law No. 8602)

13. A By-law to amend License By-law amending By-law No. 8578 with respect to financial institution fee and Schedule A effective date (By-law No. 8603)