



POLICY REPORT  
DEVELOPMENT AND BUILDING

Report Date: November 29, 2016  
Contact: Karen Hoese  
Contact No.: 604.871.6403  
RTS No.: 11641  
VanRIMS No.: 08-2000-20  
Meeting Date: December 13, 2016

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Facilitating Growth in Vancouver's Innovation Economy - Railtown - Zoning and Development By-law Amendments for I-4 (Historic Industrial) District

**RECOMMENDATION**

- A. THAT the General Manager of Planning, Urban Design and Sustainability be instructed to make an application to amend the Zoning and Development By-law to:
- (i) add the Creative Products Manufacturing use, generally in accordance with Appendix A; and
  - (ii) rezone those areas of M-2 shown outlined in bold in Schedule A of Appendix A as a new I-4 (Historic Industrial) District generally in accordance with Appendix A;

AND THAT the application be referred to a Public Hearing.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix A, for consideration at Public Hearing.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;

- (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by laws; and
- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

### **REPORT SUMMARY**

On March 15, 2014, Council approved the *Downtown Eastside Plan* (DTES Plan) and directed staff to proceed with the implementation of the plan, noting further planning work priorities including recognising *"the need to plan appropriately for the preservation of industrial lands."* This report responds to this Council direction, specifically addressing *DTES Plan* policy 6.8.1:

*"Affirm and update Railtown's role as a historic warehouse district with a mix of local, regional, national, and global serving industrial and office uses.*

- *Explore changes to industrial zoning classification of Railtown, or a portion thereof, to support additional office use which aligns with the evolving cluster of technology-related small businesses while maintaining a minimum requirement of 50 per cent industrial use, consistent with industrial lands policies."*

This report further responds to Council's motion on May 3, 2016 directing staff to *"identify immediate quick starts the City can take to better enable the Innovation Economy."*

Staff explored allowing additional office use within the industrial area and concluded that allowing additional non-industrial uses throughout Railtown, such as general office, could diminish the supply of industrial land, potentially displacing existing technology-related small industries and artist studios. To support the evolving cluster of core traditional industries and small businesses and enable the innovation economy, a new I-4 District is proposed to allow for a broader range of economic and employment activity. Proposed is an updated definition of the Manufacturing category to include the Creative Products Manufacturing use, which accommodates new age industries, while preserving industrial land in Railtown. To incentivise the preservation of historic buildings and foster start-ups, additional technology-related office uses would be allowed in buildings constructed prior to 1951.

The purpose of this report is to:

- Recommend a text amendment to the *Zoning and Development By-law* to add the Creative Products Manufacturing use definition as detailed in Appendix A; and
- Recommend zoning amendments to rezone those areas of M-2 shown outlined in bold in Schedule A of Appendix A to I-4 (Historic Industrial) District.

## COUNCIL AUTHORITY/PREVIOUS DECISIONS

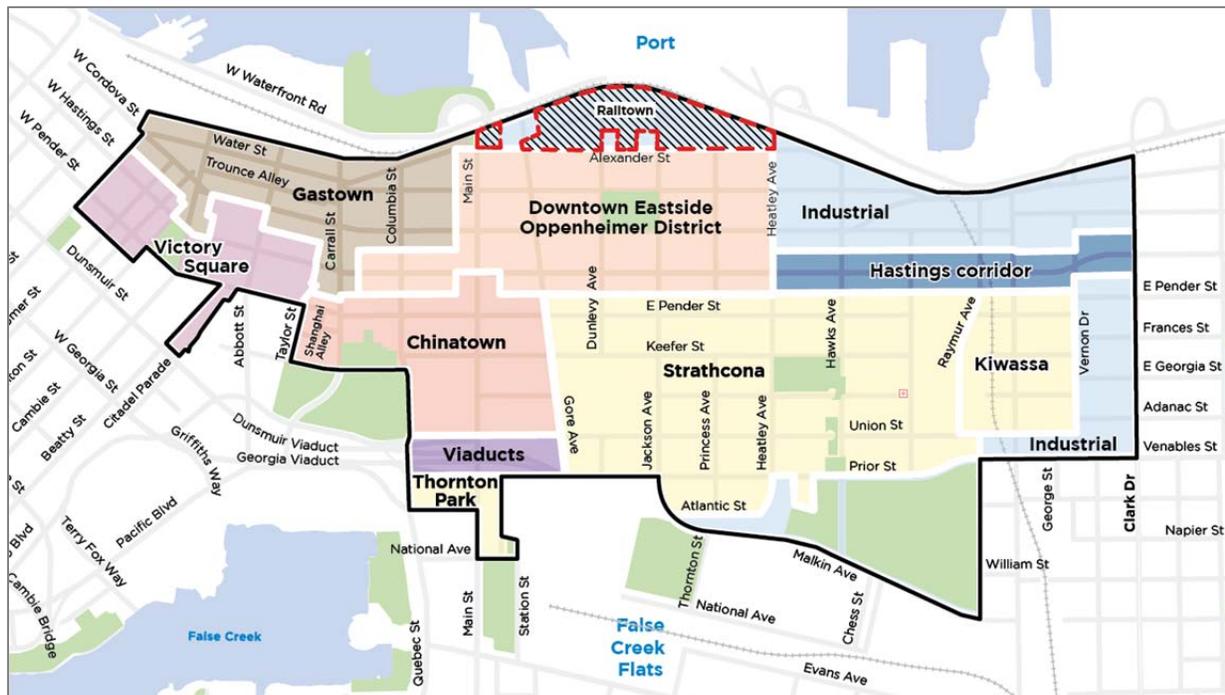
Relevant Council Policies for this site include:

- Innovation Economy Roundtable (2016)
- Downtown Eastside Plan (2014)
- Regional Context Statement Official Development Plan (2013)
- Proposed Amendments to the Zoning and Development By-law to Support Artist Studios in Industrial Areas (2013)
- Economic Action Strategy (2011)
- Metropolitan Core Jobs and Economy Land Use Plan: Issues and Directions Report (2007)
- CityPlan (1995)
- Industrial Lands Policies (1995)
- Industrial Lands Strategy (1995)

## REPORT

### Background/Context

#### 1. Area and Context



Map 1 - Downtown Eastside context map

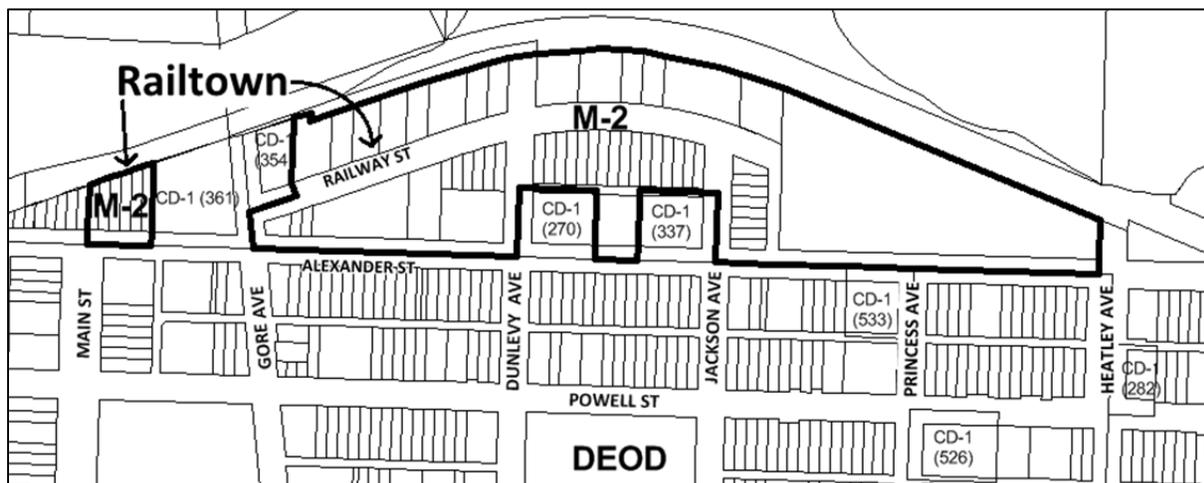
Railtown is a small industrial sub-area of the Downtown Eastside, located in the western portion of the larger M-2 heavy industrial area supporting the rail and port (see map 1). The area's central location is highly advantageous, with direct access to strong transportation linkages, and a customer and employee base from surrounding neighbourhoods and

municipalities. A large proportion of goods and services produced in the area are consumed within the nearby Central Business District. Close proximity False Creek Flats industrial area to the south also provides ready access to local food distributors that support the area's catering and food and beverage production businesses. The adjacent Port of Vancouver, Trans-Canada Highway, and Clark/Knight corridor form an extensive transportation network connecting Railtown to suppliers and local retailers, as well as regional, national and international markets.

Centred along Railway and Alexander streets between Main Street and Heatley Avenue (see map 2), Railtown's 15.5-acre area is comprised of 58 legal lots. The area has 85 licenced businesses with a mixture of uses ranging from entrepreneur-run small businesses to larger enterprises employing approximately 300 workers. There are 1,495 people that work in the area, and are employed in the following categories of business:

- 51 percent in industrial businesses, such as manufacturing, distribution, and wholesaling;
- 26 percent in office businesses, such as administration, design, and computer services;
- 12 percent in service-type businesses, such as catering, retail, and restaurants; and
- 11 percent in other organisations, such as community associations<sup>1</sup>.

A broader range of job opportunities would be created in the proposed I-4 District under the Creative Products Manufacturing use, allowing existing businesses to expand and attracting new businesses to Railtown.



Map 2 - Railtown area and existing zoning

Vancouver's origin as a resource industry and transportation hub is evident in Railtown's distinct street alignment following the curve of the railway, and historic industrial buildings. The area developed as a prominent industrial linkage enabling goods to be transported by ship and rail. Heavy industry, such as fishing and lumber, attracted immigrant workers from various countries to the area, notably from Japan. The Vancouver Japanese Language School and

<sup>1</sup> City of Vancouver, 2016 Business Licence database, accessed October 7, 2016

Japanese Hall on Alexander Street are examples of amenities that served this community, and continue to serve the Japanese-Canadian population.

In the post-industrial era other industrial areas of the city, such as Yaletown, were rezoned to allow for residential and office. Railtown was maintained as an industrial area, enabling the industrial economy to continue to thrive up to today. The nature and role of industry in the Railtown sub-area has changed over time with the decline of heavy industrial businesses (such as traditional primary industries like bulk wholesaling), and growth in light industrial and Creative Products Manufacturing (such as small-scale boutique manufacturers who produce customised, limited-quantity goods). There is also pressure from higher value non-industrial uses (such as office and retail) to locate in Railtown. Typically, lease rates and land value are lower for industrial lands than commercial land.

## 2. Policy Context

**Innovation Economy Roundtable** – In May 2016, Council directed staff to establish an *Innovation Economy Roundtable* for the purpose of providing ongoing advice on how to better enable the innovation economy through urban planning, social policy, modernised regulations and other areas. As part of this process, staff were directed to identify immediate quick starts to better enable the innovation economy. Changes in Railtown, Mount Pleasant, and the upcoming False Creek Flats Plan were identified as near-term opportunities to advance on Council's directions.

**Downtown Eastside Plan** – In March 2014, Council approved the *Downtown Eastside Plan* (DTES Plan) to provide a vision, policies, and strategies that focus on improving the lives of its diverse residents and neighbourhood. It affirmed and updated Railtown's role as a historic warehouse district, and further sought to explore changes to Railtown's industrial zoning to support additional office uses while maintaining a minimum 50 per cent industrial use.

**Regional Context Statement** – In September 2013, Council adopted the *Regional Context Statement* as an Official Development Plan linking City policies and plans to Metro Vancouver's *Regional Growth Strategy*. It identified and designated areas, like Railtown, as industrial, and identified policies to support and protect industrial uses.

**Amendments to the Zoning and Development By-law to Support Artist Studios in Industrial Areas** – In January 2013, Council approved amendments to the Zoning and Development By-law to allow work-only artist studios in all industrial districts as an outright use. This expanded the opportunities for artist studios, and provided access to the most affordable work spaces in the city for creation/production spaces. The amendments supported policies to limit strata-titling of artist studios to dampen upward pressure on industrial land prices by discouraging illegal conversion of studios to residential use.

**Metropolitan Core Jobs and Economy Land Use Plan: Issues and Directions Report** – In July 2007, Council adopted the *Metropolitan Core Jobs and Economy Land Use Plan: Issues and Directions Report* to ensure there is enough land supply and transportation capacity to accommodate future employment growth. The report identifies the Powell/Clark Industrial Area (which includes Railtown) as a key area for production, service and repair businesses, and outlines policy directions to protect and enhance industrial land and uses by restricting housing, and limiting office and service uses to those appropriate to intensify employment without displacing industrial functions.

**CityPlan** – In June 1995, Council adopted *CityPlan* which provides for the development and reinforcement of neighbourhood centres, a diverse economy, and jobs close to home. To achieve this, *CityPlan* includes directions to maintain industrial areas for port uses and industries that employ City residents or serve City businesses. *CityPlan* recommends that policies in the Industrial Lands Strategy be implemented in order to retain industrial land in the City.

**Industrial Lands Strategy and Industrial Lands Policies** – In March 1995, Council adopted the *Industrial Lands Strategy* to guide future decisions on the use of industrial land, and the *Industrial Lands Policies* to help retain a supply of industrial land for industry and service uses to meet the needs of port and river-related industry, as well as local businesses and residents.

### 3. Railtown and the Downtown Eastside Plan

The *DTES Plan* strives to meet the City's economic goal to foster a robust, competitive, resilient and sustainable economy, and to maintain a high quality of life for its residents and workers by connecting local needs and livelihoods with city-wide, regional, and global economies. Industrial land in the DTES is a highly active and important part of the city and regional economy.

The industrial sector is evolving with changing technologies and equipment. This shift is notable in the Railtown area, which is home to diverse mixed business including a thriving entrepreneurial cluster of industrial start-ups, creative and specialised small-scale products manufacturing and technology prototyping. These include a wide range of boutique and small-scale firms producing customised goods from textiles and sporting goods to audio-visual technology-based products.

On March 15, 2014 Council approved the *DTES Plan* and directed staff to implement the plan, noting further planning work priorities include the recognition of *"the need to plan appropriately for the preservation of industrial lands"*. The proposed I-4 (Historic Industrial) District is in response to this Council direction, specifically addressing *DTES Plan* policy 6.8.1:

*"Affirm and update Railtown's role as a historic warehouse district with a mix of local, regional, national, and global serving industrial and office uses.*

- *Explore changes to industrial zoning classification of Railtown, or a portion thereof, to support additional office use which aligns with the evolving cluster of technology-related small businesses while maintaining a minimum requirement of 50 per cent industrial use, consistent with industrial lands policies."*

### *Strategic Analysis*

#### 1. Development Pressure on Industrial Lands

The supply of industrial land is limited not only within Vancouver, but in the wider metropolitan region. Industrial lands are vital to the city's economy as employment areas that provide higher paying jobs to residents with non-professional skill levels. Land prices in industrial zones are typically lower than in areas with other uses, such as commercial zones,

leading to pressure to allow higher value office uses into industrial lands. The Powell/Clark Industrial Area (which includes Railtown) has the second highest industrial land sale prices per square foot in Metro Vancouver and Fraser Valley, second only to the Mount Pleasant area.<sup>2</sup>

Speculation on development potential has increased demand, leading to increases in land values and lease rates. With limited industrial lands and strong demand, the average value of Vancouver's industrial buildings have increased more than 50 percent per square foot from 2015 to 2016<sup>3</sup>. The rising value of industrial land has led to increased assessed values and as a result, a higher than average increase in property tax, adding pressure to existing industrial tenants to relocate to other areas with lower rental rates. This is particularly challenging for smaller industrial start-ups and local makers.

Other cities also facing increased pressure on limited industrial lands, including Portland, Oregon. In Portland, policies have been adopted that strive to protect industrial land from conversion by limiting non-industrial uses to ensure the needs of manufacturing and distribution uses are met. Portland also encourages other employment areas, such as incubator districts for emerging local businesses.

## 2. Innovation Economy and Railtown

The *Vancouver Economic Action Strategy* sets out a vision to achieve a “high-performing economy that successfully levers the City's global profile and its momentum as a centre of innovation and entrepreneurship.” The strategy's major initiatives include programs and projects that will support local prosperity, and achieve the City's vision of a high performing economy.

Strategic initiatives include:

1. Climate for Growth;
2. Supporting Business Investment and Trade; and
3. Focus on People.

The *Strategy* acknowledges that the economic health and prosperity of countries is more than ever before, dependent on the performance of their city-regions. Senior governments set many monetary, tax, incentive and regulatory policies that influence business decisions, competitiveness and success. But local government policies, that speak to economic as well as social and environmental imperatives—taxation, business climate, regional collaboration, services, sustainability and livability—are of increasing importance when it comes to influencing the local economy. To foster a climate for growth, *Vancouver's Economic Action Strategy* identifies the need to leverage local innovation and innovators and, more specifically, to support specialty spaces for key sectors of the economy.

In Vancouver, the innovation economy (see map 3) is a unique mix of diverse employment clusters in several areas of the city. These employment clusters range from highly specialised industrial design, prototyping, fabrication, and manufacturing to technology driven industries, such as digital enterprise and media production. Railtown has emerged as an area with a cluster of traditional industrial uses, creative products manufacturing and start-ups.

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<sup>2</sup> CBRE, 2014 Metro Vancouver and Fraser Valley Industrial Land Sale Prices, 2014.

<sup>3</sup> Avison Young, *Vancouver, BC Industrial Report*, summer 2016.



Map 3 - Innovation economy employment clusters

To better support emerging uses and in response to Council direction to " *identify immediate quick starts the City can take to better enable the Innovation Economy* ", two key directions are being proposed in the Railtown area:

1. Replace M-2 (Heavy Industrial zoning with a new I-4 (Historic Industrial) District, and
2. Create "Creative Products Manufacturing" as a new use in the Manufacturing category.

The proposed I-4 District broadens the range of jobs in Railtown by allowing Creative Products Manufacturing. It recognises the role of Railtown in Vancouver's innovation economy, and fosters the area's Creative Products Manufacturing sector in prototyping, production, manufacturing, storage, and design and display, while protecting existing industrial uses. These include industrial start-ups, highly specialised local producers and makers that produce a range of goods from clothing to furniture. A number of these uses do not fit into the traditional definition of manufacturing and some have unique space needs that are not suitable for office spaces, such as larger, heavy or loud machinery.

The types of uses allowed in the proposed I-4 District range from light industrial to general office. To support start-ups and small entrepreneurs, particularly digital, clean tech and other green industries, as well as incentivise the preservation of historic buildings, the proposed I-4 District allows limited office space in buildings constructed prior to 1951.

### 3. Proposed I-4 (Historic Industrial) District

This report proposes the creation of a new I-4 light (Historic Industrial) District, and the rezoning of the Railtown area of the M-2 heavy industrial district to the proposed I-4 District (see map 2).

The intent of the proposed new zoning district is to:

- **Reinforce the industrial zoning intent of the Railtown industrial sub-area and prevent the loss of industrial land**  
By maintaining the existing ratio of industrial use to non-industrial use in buildings constructed as of January 1, 1951, the proposed I-4 District will protect industrial job space and reinforces the industrial use and intent of the area. As an emerging light industrial district, the Railtown area is a transition between the M-2 heavy industrial area east of Heatley Avenue and the commercial office area to the west of Main Street, and acts as a buffer to impacts from higher values use on industrial lands.
- **Explore options that allow for additional Creative Products Manufacturing use**  
The addition of the Creative Products Manufacturing use definition will expand the current Manufacturing category. It provides flexibility to accommodate the changing nature of the industrial sector, and creates additional employment space to support and foster the cluster of industrial start-ups and local producers and makers in Railtown.
- **Incentivise the retention of historic industrial character buildings**  
Allowing additional artist studio use will encourage the preservation of historic buildings as these buildings are well-suited for this use. The proposed zoning will encourage the retention of historic character buildings by allowing more Creative Products Manufacturing and office uses, and requiring less traditional industrial uses in buildings constructed prior to January 1, 1951.
- **Prevent general office use proliferation**  
Maintaining the floor space limits of office space in new construction in Railtown seeks to ensure the stability and industrial function of the area by regulating the amount of higher value uses like general office, to dampen land value rise. This seeks to ensure that general office does not displace existing industrial tenants, or create a shortfall in industrial space.
- **Manage change and social impact on adjacent areas**  
With Railtown's proximity to downtown and relatively attractive land prices, there are increasing demands to use industrial land for non-industrial uses. The proposed floor space limits for retail and restaurants are consistent with the size of existing Railtown businesses, and they will allow for new uses of an appropriate size to provide goods and services for local businesses and their employees. This will discourage large 'destination' type businesses that draw non-local customers and create associated negative impacts, such as increased traffic and demand for parking. Allowing additional artist studio use in existing buildings will also encourage the retention of established artist spaces and fosters creative industries.

The policy objectives of the zoning amendments are as follows:

- Maintain a maximum floor space ratio (FSR) of 5.0
- Maintain a maximum building height of 30.5 metres
- Maintain a 1.0 FSR maximum for all uses other than Office, Manufacturing, Transportation and Storage, Wholesaling - Class A, and Artist Studio - Class B (must not include a residential unit)
- For General Office use, allow up to 235 square metres or up to 25 percent of total gross floor area (up to a maximum of 1.0 FSR), whichever is greater. In buildings constructed prior to January 1, 1951, allow up to 33⅓ percent of total gross floor area (up to a maximum of 1.5 FSR) for General Office use
- For Creative Products Manufacturing, allow up to 25 percent of total gross floor area or up to 33⅓ percent of total gross floor area in buildings constructed prior to January 1, 1951
- Limit Retail use to 500 square metres
- Limit Restaurant use to 150 square metres
- Continue to prohibit new Residential use

The following examples provide a comparison of possible land use in the current M-2 heavy industrial district (see figure 1) and the proposed I-4 (Historic Industrial) District (see figure 2):

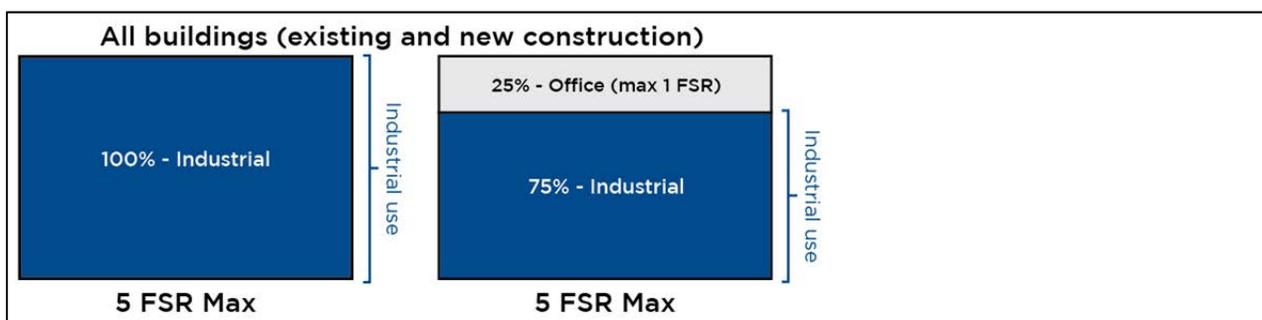


Figure 1 - Examples of possible land uses under the current M-2 heavy industrial district

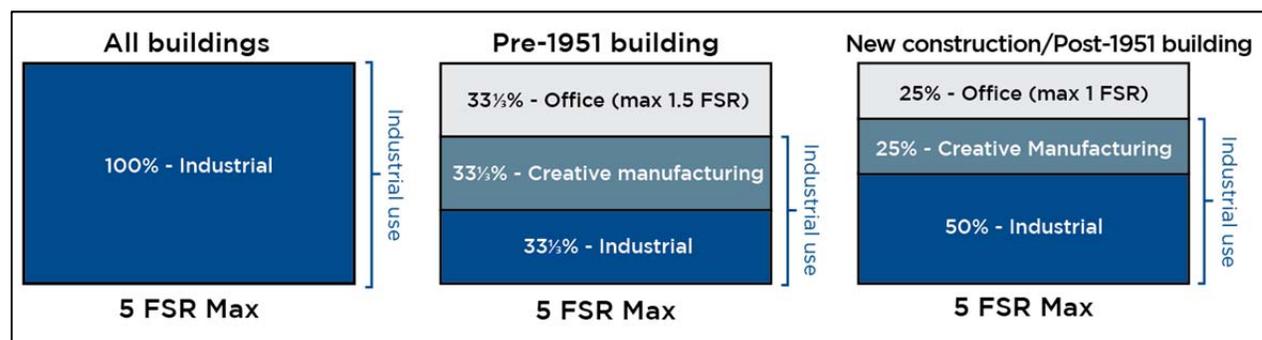


Figure 2 - Examples of possible land uses under the proposed I-4 (Historic Industrial) District

#### 4. Creative Manufacturing Use

It is proposed that the current Manufacturing use category be expanded to include “Creative Products Manufacturing” as a new use.

The proposed definition is as follows:

*Creative Products Manufacturing, which means the use of premises for the creation, development, prototyping and marketing of products that are the result of a customised design process, including but not limited to: clothing design, furniture design, industrial product design, technological equipment design, and similar uses.*

This new definition provides flexibility to accommodate a wide variety of uses. Examples of uses that could be considered under Creative Products Manufacturing include: industrial and installation design; boutique local clothing producers; furniture and lighting designers; fabricators producing tangible products for sale, and other uses (See figure 3).

High value office uses, including architecture, landscape architecture, and interior design have been excluded from the Creative Products Manufacturing definition to protect industrial land values and support local producers and makers.

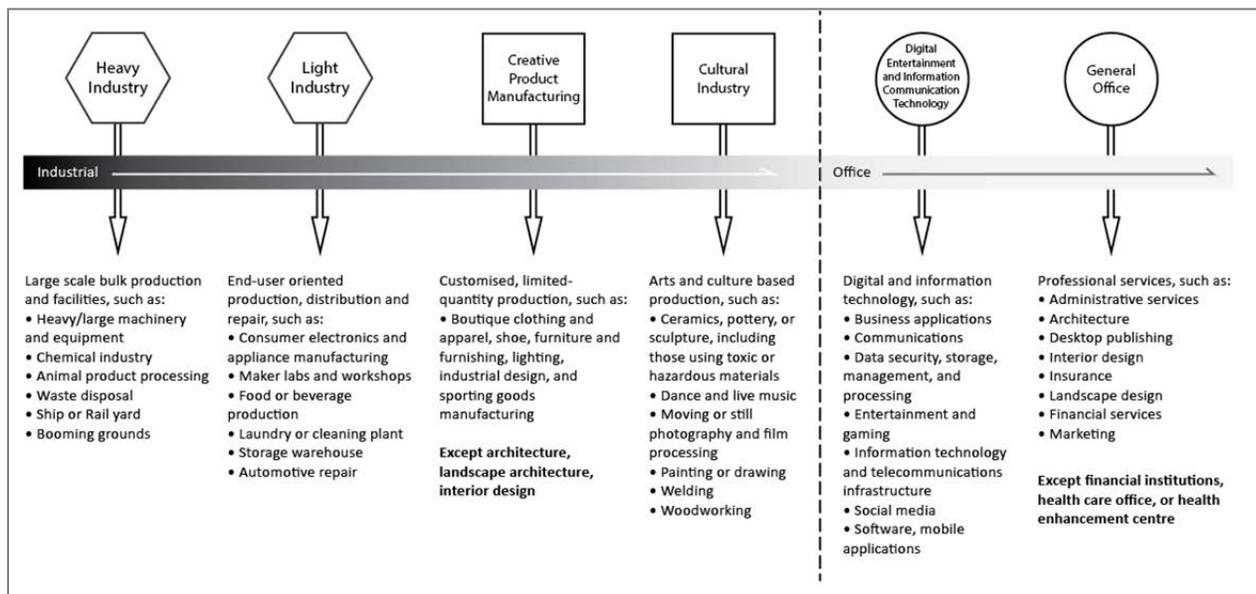


Figure 3 - Continuum of uses in industrial districts

#### 5. Public Input

Broad public consultation was undertaken during the DTES Plan process from 2012 to 2014, which informed industrial area policies and directions for Railtown. In 2015, targeted stakeholder and one-on-one meetings were held with business and property owners in Railtown. These meetings provided a broader understanding of the area and provided the opportunity to hear public feedback, which further shaped policy directions.

**Public Notification:** A community open house was held on October 13, 2016 with a total of 237 notifications sent out to surrounding property owners, business owners, and occupants. Staff provided the opportunity to meet or speak individually with those who were unable to attend. Email notification was sent to the Downtown Eastside Plan listserv, including the Strathcona Business Improvement Association, which distributed the email notification to its membership. Notification and open house information panels were provided on the City of Vancouver Downtown Eastside Plan webpage ([vancouver.ca/dtes](http://vancouver.ca/dtes)).

**Public response:** Public responses to the October 13, 2016 community open house have been submitted to the City as follows:

- 9 comment sheets were submitted from individuals.
- 9 e-mails were submitted from individuals.
- 2 in-person meetings were held with individuals.

A total of 22 individuals attended the open house. The feedback received was mixed, with general support for the proposed I-4 District. Some respondents noted support for the addition of the Creative Products Manufacturing use, protection of industrial uses, with others noting a desire for additional office and retail uses. Concerns were noted about impacts of higher density uses on rail operations, including potential sensitivity to railway use, as well as concerns of artist studio displacement believed to be as a result of rising lease rates.

Staff have assessed the issues raised through the consultation process and have incorporated the feedback into the proposed I-4 (Historic Industrial) District and Creative Products Manufacturing definition. This includes increasing the amount of office use allowed in buildings constructed prior to January 1, 1951.

### *Financial*

The proposed I-4 (Historic Industrial) District will stabilise land value and discourage land speculation by maintaining floor space limits of office space in new construction. The addition of the Creative Products Manufacturing use will reaffirm Railtown's role as an industrial employment area, and support and foster smaller industrial start-ups, local producers and makers. The intent of regulating and enforcing floor space limits of higher value uses, like general office, is to ensure these uses do not displace existing industrial tenants, or create a shortfall in industrial space.

### *CONCLUSION*

Railtown is a distinctive employment area within Vancouver, comprised of a mix of older industrial buildings adjacent to active port supporting businesses. It has emerged as an innovation economy cluster, attracting small-scale local artists, creatives, designers, entrepreneurs, makers and producers, alongside traditional industry. The zoning amendments proposed in this report strategically align with Council priorities to better enable the innovation economy by adding Creative Products Manufacturing definition as an industrial use, and allowing a limited amount of office including digital entertainment and information communication technology uses. This serves to both affirm and update the role of Railtown as an historic industrial district with a mix of local, regional, national, and global-serving

industrial and office uses, while maintaining the required minimum of 50 percent industrial land. The proposed I-4 District will balance the need to protect core industrial employment lands, while remaining flexible and supporting opportunities to promote innovation and to respond to technological change.

\* \* \* \* \*

Zoning & Development By-law amending by-law  
Regarding I-4 (Historic Industrial) District Schedule

Draft for Public Hearing

BY-LAW NO. \_\_\_\_\_

**A By-law to amend the Zoning & Development By-law  
Regarding I-4 (Historic Industrial) District Schedule**

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

1. This by-law amends the indicated provisions of the Zoning and Development By-law.
2. In section 2 Definitions under manufacturing uses, in alphabetical order, Council adds the following definition:  
  

“Creative Products Manufacturing”, which means the use of premises for the creation, development, prototyping and marketing of products that are the result of a customised design process, including but not limited to: clothing design, furniture design, industrial product design, technological equipment design, and similar uses.”
- 3 This by-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-714(d) attached as Schedule A to this by-law, and incorporates Schedule A into Schedule D to By-law No. 3575.
4. Council amends the Zoning and Development By-law by adding to it the I-4 District Schedule (Historic Industrial District) which is attached to this By-law as Schedule B.
5. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law. This By-law is to come into force and take effect on the date of its enactment.

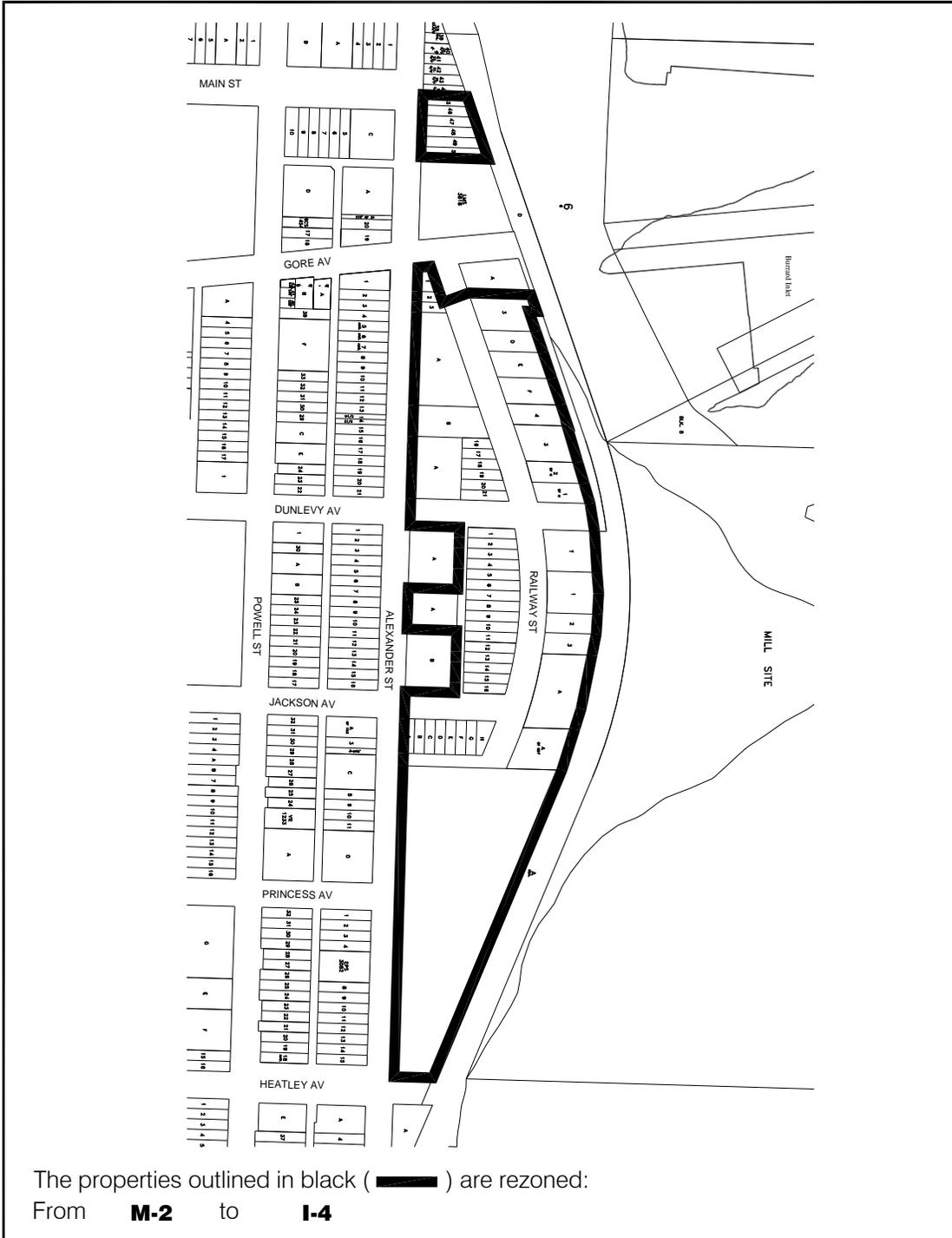
ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Schedule A

Schedule A



The properties outlined in black (  ) are rezoned:  
From **M-2** to **I-4**

RZ – (Historic Industrial) District

map: 1 of 1  
scale: NTS



City of Vancouver

date: 2016-11-22

## Schedule B

### I-4 District Schedule (Historic Industrial District)

#### 1 Intent

Railtown is one of the city's original industrial districts. The precinct has a distinct industrial character defined by its collection of historic building forms, building material, proximity to the Port of Vancouver and unique street pattern.

The intent of this schedule is to permit industrial and other uses that are generally incompatible when situated in or near residential districts but are beneficial because they provide industrial employment opportunities and serve a useful or necessary function in the city. One of the industrial uses that is permitted is creative products manufacturing. A limited number of office uses compatible with or complementing light industrial uses are also permitted. The retention or conservation of historic buildings and features is encouraged.

#### 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 noted in section 2.2 are permitted in this district and will be issued a permit.

2.2 Uses

2.2.A

- Accessory Buildings customarily ancillary to any of the uses listed in this schedule, provided that:
  - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height;
  - (b) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 10 percent of the total area of the site.
  
- Accessory Uses customarily ancillary to any of the outright uses listed in this section, except that accessory retail use:
  - (a) may not be combined with wholesale use;
  - (b) is limited to the lesser of 33 <sup>1</sup>/<sub>3</sub> percent or 500 m<sup>2</sup> of the gross floor area of the principal and accessory uses combined;
  - (c) must be separated by a wall from the floor area used for all other uses; and
  - (d) all uses other than accessory retail use must be inaccessible to the public.

2.2C [Cultural and Recreational]

- Artist Studio, except that the use must not be combined with a Residential Unit and the change in use must only apply to floor area existing as of [*date of enactment*] and any additions are limited to no more than 10 percent of existing floor area.
- Arts and Culture Indoor Event.

2.2M [Manufacturing]

- Bakery Products Manufacturing.
- Batteries Manufacturing.
- 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.
- Information Communication Technology Manufacturing.
- Jewellery Manufacturing.
- Leather Products Manufacturing.
- Machinery or Equipment Manufacturing.
- Metal Products Manufacturing - Class B.
- Miscellaneous Products Manufacturing - Class B.
- Motor Vehicle Parts Manufacturing.
- Non-metallic Mineral Products Manufacturing - Class B.
- Paper Products Manufacturing.
- Plastic Products Manufacturing.
- Printing or Publishing.
- Rubber Products Manufacturing.
- Shoes or Boots Manufacturing.
- Textiles or Knit Goods Manufacturing.
- Tobacco Products Manufacturing.
- Transportation Equipment Manufacturing.
- Wood Products Manufacturing - Class B.

2.2.S [Service]

- Animal Clinic.
- Catering Establishment.
- Laundry or Cleaning Plant.
- Motor Vehicle Repair Shop.
- Production or Rehearsal Studio.
- Repair Shop - Class A.
- School - Vocational or Trade.
- Work Shop.

2.2.T [Transportation and Storage]

- Cold Storage Plant.
- Packaging Plant.
- Storage Warehouse.

2.2.U [Utility and Communication]

- Public Utility.
- Radiocommunication Station.

2.2.W [Wholesale]

- Wholesaling - Class A.

**2.3 Conditions of Use**

2.3.1 No use listed in section 2.2 of this schedule shall involve the bulk storage of vegetable oil or fat; fish oil or meal; scrap; junk; lime; fertilizer; explosives; matches; industrial chemicals; paints; varnishes; or compressed gas, petroleum, coal tar products or derivatives.

2.3.2 No use listed in section 2.2 of this schedule shall involve the keeping of live animals, live poultry or other fowl, except Animal Clinic.

**3 Conditional Approval Uses**

3.1 Subject to all other provisions of this by-law, including section 3.3 and the regulations of this schedule, the Director of Planning or the Development Permit Board may approve any of the uses listed in section 3.2, subject to such other conditions as the Director of Planning or the Development Permit Board may decide, provided that the Director of Planning or the Development Permit Board first considers;

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

**3.2 Uses**

3.2.A

- Accessory Buildings customarily ancillary to any of the uses listed in this schedule, provided that:
  - (a) no accessory building exceeds 3.7 m in height measured to the highest point of the roof if flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof, provided that no portion of an accessory building may exceed 4.6 m in height; and
  - (b) the total floor area, measured to the extreme outer limits of the building, of all accessory buildings is not greater than 10 percent of the total area of the site.

- Accessory Uses customarily ancillary to any of the uses listed in this section, other than as provided in section 2.2.A, except that accessory retail use:
  - (a) may not be combined with wholesale use;
  - (b) is limited to the lesser of 33 <sup>1</sup>/<sub>3</sub> percent or 500 m<sup>2</sup> of the gross floor area of the principal and accessory uses combined;
  - (c) must be separated by a wall from the floor area used for all other uses; and
  - (d) all uses other than accessory retail use must be inaccessible to the public.

### 3.2.C [Cultural and Recreational]

- Park or Playground.

### 3.2.D

- Deposition or extraction of material so as to alter the configuration of the land.

### 3.2.I [Institutional]

- Ambulance Station.
- Child Day Care Facility.
- Public Authority Use.
- Social Service Centre.

### 3.2.M [Manufacturing]

- Brewing or Distilling.
- Chemical Products Manufacturing - Class A.
- Creative Products Manufacturing.
- Food or Beverage Products Manufacturing - Class A.
- Linoleum or Coated Fabrics Manufacturing.
- Metal Products Manufacturing.
- Miscellaneous Products Manufacturing.
- Non-metallic Mineral Products Manufacturing - Class A.
- Rubber Manufacturing.
- Vegetable Oil Manufacturing.
- Wood Products Manufacturing - Class A.

### 3.2.O [Office]

- General office, but not including the offices of accountants, lawyers and notary publics, real estate, advertising, insurance, travel and ticket agencies.
- Digital Entertainment Information and Communication Technology.

### 3.2.P [Parking]

- Parking Uses.

3.2.R [Retail]

- Farmers' Market.  
*Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Public Bike Share.
- Retail Store, but limited to:
  - Retail Store for the renting of merchandise in which the exclusive use of at least 50 percent of the gross floor area is for the storage of inventory.
  - Limited Service Food Establishment, which means the use of premise for the primary purpose of selling, or selling and serving, prepared food to the public during all hours of operation, where the premises include not more than 16 indoor or outdoor seats for customers consuming food purchased on the premises, but where customers may also purchase food for take-out, and where live entertainment is not available.
  - Accessory Retail Use.

3.2.S [Service]

- Laboratory.
- Motor Vehicle Wash.
- Photofinishing or Photography Laboratory.
- Photofinishing or Photography Studio.
- Print Shop.
- Repair Shop - Class B.
- Restaurant - Class 1.
- Sign Painting Shop.

3.2.T [Transportation and Storage]

- Storage Yard, provided it is enclosed by a suitable fence which is painted and neatly maintained at all times.
- Taxicab or Limousine Station.
- Truck Terminal or Courier Depot.
- Weighing or Inspection Station.
- Works Yard.

3.2.U [Utility and Communication]

- Public Utility, other than as provided for in section 2.2.U of this Schedule.
- Recycling Depot.

3.2.W [Wholesale]

- Lumber and Building Materials Establishment.
- Wholesaling - Class B. provided that the gross floor area does not exceed 500 m<sup>2</sup>.

3.2.Z

- Any other use which is not specifically listed and defined as a use in section 2 of this by-law but which the Director of Planning or Development Permit Board considers comparable in nature to the uses listed in this schedule, having regard to the intent of this schedule.
- A use which is listed in section 2.2 of this schedule but does not comply with the conditions of use in sections 2.3.1 or 2.3.2.

**3.3 Conditions of Use**

- 3.3.1 Lounge use accessory to Brewing or Distilling use must be carried on wholly within an enclosed building.

**4 Regulations**

All uses approved under sections 2 and 3 of this district schedule are subject to the following regulations.

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

4.2 **Frontage** -- Not Applicable.

**4.3 Height**

4.3.1 The maximum permitted height of a building is 30.5 m.

**4.4 Front Yard and Setback**

4.4.1 No front yard is required.

**4.5 Side Yards and Setbacks**

4.5.1 No side yard is required.

**4.6 Rear Yard and Setback**

4.6.1 A rear yard with a minimum depth of 3.1 m must be provided, except that where the rear of the site abuts a lane, this required minimum depth must be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

4.6.2 The Director of Planning or the Development Permit Board, may waive the requirement to provide a rear yard if the Director of Planning or the Development Permit Board is satisfied that the site is located within an area where rear access to the site and adjacent sites is not likely to be required and the site is sufficiently large to provide adequate open space.

#### 4.7 Floor Area and Density

##### 4.7.1 Floor space ratio must not exceed 5.00, except that:

- (a) for uses other than Office uses, Manufacturing uses, Transportation and Storage uses, Wholesaling - Class A, or Artist Studio - Class B, the maximum permitted floor space ratio shall be 1.0 for all these uses combined;
- (b) for Office uses:
  - i. the maximum floor space ratio shall be 1.0, except that Office uses in buildings existing prior to January 1, 1951 must not exceed a floor space ratio of 1.5; and
  - ii. the floor area in Office use must not exceed 25 percent of the gross floor area of all principal and accessory uses combined, except that Office use in a building existing prior to January 1, 1951 must not exceed 33⅓ percent of the gross floor area of all principal and accessory uses combined;
- (c) for Creative Products Manufacturing uses, the maximum permitted floor area must not exceed 25 percent of the gross floor area of all principal and accessory uses combined, except that Creative Products Manufacturing uses in a building existing prior to January 1, 1951 must not exceed 33⅓ percent of the gross floor area of all principal and accessory uses combined;
- (d) the floor area in Retail uses, including accessory retail, must not exceed 500 m<sup>2</sup>;
- (e) the floor area in Restaurant - Class 1 use must not exceed 150 m<sup>2</sup>; and
- (f) the floor area for a lounge use accessory to a Brewing or Distilling use must not exceed 80 m<sup>2</sup>.

##### 4.7.2 Computation of floor area must include all floors of all buildings including accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.

##### 4.7.3 Computation of floor area must exclude:

- (a) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which
  - i. are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
  - ii. are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
- (b) amenity areas for the social and recreational enjoyment of employees or for providing a service to the public, including facilities for general fitness, general recreation and child day care, provided that:
  - i. the total area excluded must not exceed the lesser of 20 percent of the permitted floor area or 100 m<sup>2</sup>; and
  - ii. in the case of a child day care facility, 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 building or in the immediate neighbourhood; and
- (c) storage area associated with an artist studio - class B where the storage area is provided below base surface, to a maximum exclusion of 20 m<sup>2</sup>.

4.8 Site Coverage -- Not Applicable.

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

4.10 Horizontal Angle of Daylight -- Not Applicable.

4.11 Vertical Angle of Daylight

4.11.1 In the case of office buildings over 12.2 m in height, no part thereof shall project above lines extending over the site at right angles from:

- (a) all points along the ultimate centre line of any street in front of the site and inclined at an average angle of 60 degrees to the horizontal;
- (b) all points along the rear boundary line of the site or the ultimate centre line of the lane where one has been dedicated, and inclined at an average angle of 60 degrees to the horizontal;
- (c) all points along any interior side boundary of the site at ground level and inclined at an average angle of 70 degrees to the horizontal; and
- (d) in the case of a corner site, all points along the ultimate centre line of a flanking street or lane and inclined at an average angle of 60 degrees to the horizontal.

4.11.2 For the purpose of this section:

- (a) height shall be measured from the finished grade at all points around and adjacent to the building;
- (b) only the principal building shall be considered as an obstruction.

4.11.3 Any part of a building shall be exempt from the vertical angle regulations of this section if that part:

- (a) has a width, measured horizontally and parallel to the street, lane or boundary from which the angle is to be calculated, of 18.0 m or less;
- (b) is located at least 24.0 m from any part of the same building which would be similarly exempt, measured in the same direction as specified in subsection(a) of this section.

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