



CITY OF VANCOUVER

P2

POLICY REPORT DEVELOPMENT AND BUILDING

Date: May 25, 2006
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Meeting Date: June 13, 2006

TO: Vancouver City Council
FROM: Director of Current Planning
SUBJECT: CD-1 Rezoning – 2999 Grandview Highway (The Brick)

RECOMMENDATION

- A. THAT the application, by Xamax Industrial Investments Ltd. to rezone 2999 Grandview Highway (Lot 3, Block A, Sec. 36 SW Qtr. and SE Qtr., THSL Plan 8292) from I-2 to CD-1 to permit Highway-Oriented Retail use in an existing building, be referred to Public Hearing together with:
- i. plans approved January 17, 1989 under development permit no. 207692;
 - ii. draft CD-1 By-law provisions, generally as presented in Appendix A; and
 - iii. the recommendation of the Director of Current Planning to approve, subject to conditions contained in Appendix B;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary CD-1 By-law, generally in accordance with Appendix A, for consideration at the Public Hearing.

- B. THAT a consequential amendment to the Sign By-law, to establish regulations for the CD-1 in accordance with Schedule "B" (I-2), be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amendment to the Sign By-law for consideration at the Public Hearing.

- C. THAT, subject to approval of the rezoning at the Public Hearing, the Noise Control By-law be amended to add the CD-1 to Schedule "A" (Activity Zone);

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary amendment to the Noise Control By-law after enactment of the CD-1 By-law.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of A, B and C above.

COUNCIL POLICY

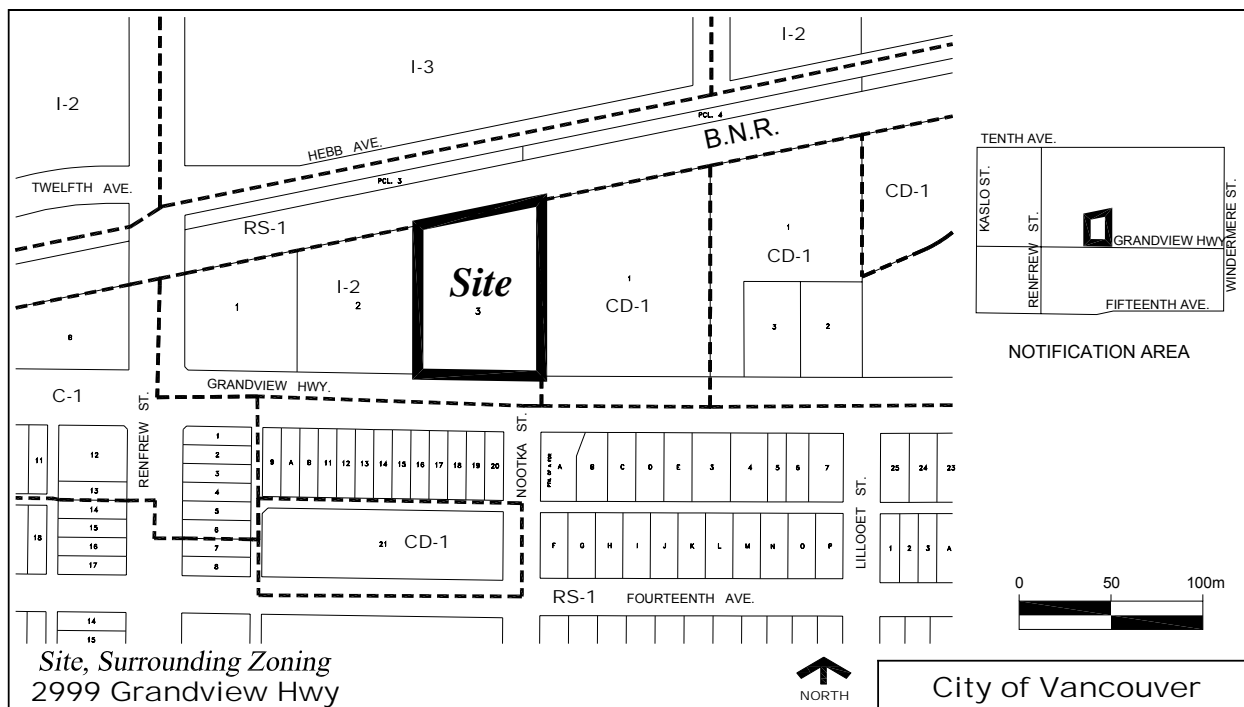
Relevant policies for this site include:

- "Highway-Oriented Retail (HOR) Interim Policies and Guidelines: Grandview-Boundary Industrial Area", adopted July 22, 1999 and subsequently superseded by the "Grandview-Boundary Industrial Area Plan" and by the "Grandview-Boundary Industrial Area Rezoning and Development Policies and Guidelines", adopted July 25, 2002.

PURPOSE AND SUMMARY

This report assesses an application to rezone this site from I-2 Industrial District to CD-1 Comprehensive Development District to permit retail use in an existing building under the provisions for highway-oriented retail in the Grandview-Boundary Industrial Area (GBIA) policies.

DISCUSSION



Background — The existing structure on this 5 859 m² (1.4-acre) site was originally built as a storage warehouse in the 1950s. During the 1980s, its use was legally changed to wholesaling with ancillary office and retail. In the 1990s, the building became occupied entirely with retail use which is not permitted and was not approved by the City. The I-2 District Schedule caps retail uses at 1 000 m² (10,764 sq. ft.) per site, whereas the building has 3 274 m² (35,243 sq. ft.) of retail floor area under its current tenancy — The Brick. In October 2004, the City initiated enforcement action against the excess retail space which has resulted in the submission of the current rezoning application.

Use — The intention with the rezoning is that the existing retail use on the site would be retained and become legal with respect to its current size. Staff have examined The Brick's use of the site and conclude that it should be classified as "Furniture or Appliance Store". The GBIA policies outline specific criteria for retail uses that are suitable for the area. The Brick fits the criteria because of its need for large display space, because it serves a wide catchment area and because the products require vehicles for transport. Staff support legalizing this particular highway-oriented retail use at this location.

The proposed by-law also lists other uses found in the I-2 District Schedule, including other retail uses. This would allow the existing building to revert to industrial uses without having to rezone the site back to I-2. It would also allow development applications for other types of retail uses to be considered for the existing building, if development requirements for that use, including parking, can be satisfied.

This approach to land use is consistent with other existing CD-1 By-laws created for HOR sites in the GBIA. However it differs from a draft CD-1 By-law currently under consideration for the Costco site at 3585 Grandview Highway. For that By-law, the applicant requested the height and density provisions from I-2 be included as well. Their reasoning is to provide flexibility to redevelop with an I-2 type development in the future without having to rezone the site to accommodate something that is already permitted or otherwise supported under the GBIA policies. Staff support this approach for the Costco site, noting that any future development would still require Council approval of a form of development designed in accordance with the GBIA guidelines.

The Brick site is highly constrained with regard to access, parking, loading and landscape setbacks, whereas the Costco site is five times larger and could easily be redeveloped under the GBIA policies and guidelines to a density much higher than its current old warehouse building. Future redevelopment of the Brick site would likely require significant negotiation and may involve consolidation with other small sites. The arising complications for redevelopment would best be handled by way of a rezoning process.

Density and Minimum Store Size — The GBIA policies support a maximum density of up to 0.60 floor space ratio (FSR) for highway-oriented retail use and a minimum store size of 929 m² (10,000 sq. ft.). The overall density of the existing building is 0.56 FSR or 3 274 m² (35,243 sq. ft.) which is slightly less than the maximum supportable density for retail and well over the minimum store size.

Building Height — The GBIA policies and guidelines recommend a maximum height of 12.2 m (40 ft.) for stand-alone retail development. The existing building height of 9.0 m (29.5 ft.) is well below this maximum.

Landscape Setback — Schedule C of the Zoning and Development By-law requires a landscape setback for all properties fronting on the north side of Grandview Highway between Renfrew Street and Boundary Road. For the subject site, a setback of 12.1 m (40 ft.) applies. The setback is intended to enhance the experience of arriving into the City of Vancouver from the east. It is to be an area landscaped with grass, shrubs and trees, and free of parking, signs, fences and product displays.

The parking configuration existing on the site was approved with an encroachment into the setback area by about 9.0 m (29 ft.). Due to the constrained site area, it is not possible to relocate the parking to provide the full setback. It is therefore proposed that the encroachment be permitted to remain for as long as the existing building remains. Any future redevelopment of the site that removes the existing building would have to conform to the setback requirement.

Despite the encroachment, there remains an existing 3.0 m (10 ft.) strip along the front property line that should be landscaped in accordance with the GBIA guidelines for Grandview Highway. A recommended condition of the rezoning is to provide landscaping in this part of the setback. (See Appendix B.)

Parking — There are currently 50 parking spaces provided on the site, including one disability space which counts as two spaces. This is consistent with the development permit approved in 1989 for wholesale and ancillary uses. For the existing building to be used entirely for retail, the Parking By-law requires 62 spaces. The site has insufficient area to accommodate any more spaces, so the applicant was asked to submit a parking study, undertaken by a transportation consultant, to determine what the actual parking needs are of the existing store. The conclusion of the study is that the consultant recommends that the required parking be reduced to 50 spaces including one disability space. The consultant noted that informal shared parking occurs with similar businesses in the area, as customers visit several stores with one stop. Also, on-street parking is available on Grandview Highway during the periods of peak demand for the furniture store, such as on weekends.

Staff concur with the conclusions of the parking study and recommend a reduced requirement noting that it would be applicable to Furniture or Appliance Store use only. Should a change of use be sought for the existing building to another type of retail store or to another use that requires more than 50 spaces, the parking requirement and any potential reduction would be re-evaluated. Staff recommend that the parking provision in the CD-1 By-law be as per the Parking By-law, except that for the existing Furniture or Appliance Store use the parking requirement be 50 spaces.

The applicant expressed a concern that The Brick has a small portion of its floor space devoted to electronics and computers, items which are not included in the City's definition of Furniture or Appliance Store use. Staff note that, although electronics are not in the definition, such items commonly form a minor component of a furniture store's business. The Brick or any store with a similar product mix that is primarily furniture or appliances would be classified as Furniture or Appliance Store use and would qualify for the parking reduction.

Loading — The loading requirement is two spaces which are currently provided on the west side of the building. Access to the loading bays appears to be obstructed by parking spaces located along the west property line — a layout which was approved by the City in 1989 for wholesale use. In order for both of the loading bays to be properly accessed, no vehicles

should be parked in the manoeuvring aisle. As noted above, the site area does not allow for any stalls to be relocated to elsewhere on the site. However, the parking study of the retail use does indicate that the periods of peak demand, when all the parking is needed, occur on weekends after 11:00 a.m. So the existing configuration is manageable for Furniture and Appliance Store use provided that loading occurs outside of the periods of high parking demand and, during loading times, vehicles are kept from parking in the manoeuvring aisle. The owner agrees to have the tenant manage the parking and loading on the site in this manner.

Form of Development – The GBIA policies encourage development that improves and enhances the public realm through high quality architectural building expression, careful site planning, public and private landscaping, and appropriate vehicular and pedestrian circulation. Recognizing that the proposal is for an existing building for which the owner plans no changes, staff propose no conditions of design development beyond those mentioned above related to improvements to the landscape setback. This existing form of development is represented by the drawings approved on January 17, 1989 under development permit no. 207692 and shown in Appendix D. Staff recommend approval in principle of these drawings as the form of development along with the landscape and engineering conditions in Appendix B.

The conditions also require that the applicant submit up-to-date as-built drawings with a development permit application. These new drawings would be brought forward for final approval by Council of the form of development once approval has been obtained from the Director of Planning for the development application.

Development Application Timing – Normally, the choice is given whether to submit a development application for an approved rezoning before or after the CD-1 By-law is enacted by Council. In this case, where the existing use on the site needs to be legitimized, staff recommend that a development application must be submitted and processed to the point of approval by the Director of Planning as a prior-to-enactment condition. Following the zoning enactment, the development permit would be issued and the landscape improvements would be carried out and inspected for conformance.

Signage – Should this application be approved, a consequential amendment to the Sign By-law is also required to add the CD-1 to Schedule E. The site would be assigned Schedule B which is the same schedule that currently applies under I-2. Approval of the rezoning and the amendment to the Sign By-law does not legitimize any signs which have been erected on the site without proper approval by the City.

Public Notification – A letter was sent to 210 property owners in the notification area on February 24, 2006. A standard rezoning sign was placed on the building on March 1, 2006. Four people contacted the Rezoning Centre for more information with none expressing opposition to the application.

PUBLIC BENEFIT

For rezoning sites under 0.8 ha (2 acres) outside of the Downtown, Council policy does not look for offered Community Amenity Contributions (CACs) if the land use is not changing to residential and if there is no increase in the total floor space permitted. This rezoning meets these circumstances, so a CAC is not offered.

FINANCIAL IMPLICATIONS

There are no financial implications to this report's recommendations with respect to City budget, fees or staffing.

CONCLUSION

Planning staff support legitimizing the existing use on this site because it qualifies under the GBIA policies for rezoning to highway-oriented retail use. Consequently, the Director of Current Planning recommends the application be referred to Public Hearing and be approved subject to conditions outlined in Appendix B.

* * * * *

DRAFT CD-1 BY-LAW PROVISIONS

Note: A by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Uses

(a) 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 - Class B
- 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
- Wood Products Manufacturing - Class B.

(b) Office Uses, limited to:

- General Office, but not including the offices of accountants, lawyers and notary publics, nor the offices of real estate, advertising, insurance, travel and ticket agencies.

(c) Retail Uses, limited to:

- Furniture or Appliance Store
- Gasoline Station - Full Serve
- Gasoline Station - Split Island

- Liquor Store
- Retail Store
- Vehicle Dealer.

(d) 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
- Work Shop.

(e) Transportation and Storage Uses, limited to:

- Cold Storage Plant
- Mini-Storage Warehouse
- Packaging Plant
- Storage Warehouse
- Storage Yard
- Taxicab or Limousine Station
- Truck Terminal or Courier Depot
- Weighing or Inspection Station
- Works Yard.

(f) Utility and Communication Uses, limited to:

- Public Utility
- Radiocommunication Station
- Recycling Depot.

(g) Wholesale Uses, limited to

- Cardlock Fuel Station
- Junk Yard or Shop
- Lumber and Building Materials Establishment
- Wholesaling - Class A
- Wholesaling - Class B.

- (h) Accessory Uses customarily ancillary to the above uses, including accessory office, provided that the total area of all accessory uses is not greater than 33⅓ percent of gross floor area of the principal and accessory uses combined, and provided that the floor area in accessory uses accessible to the general public is separated by a wall, from the floor area in other uses.

Condition of Use

- Minimum size for a Retail Store, or a Furniture or Appliance Store, must be 929 m².

Density

- Site area deemed to be 5 859 m².
- Maximum floor space ratio of 0.56 FSR.
- General office use not to exceed the greater of 235 m² or 33⅓ percent of total gross floor area.

Height

- Maximum building height of 9.0 m.

Setback

- Minimum landscape setback of 12.1 m along Grandview Highway.
- For the building existing as of [the date of enactment of this by-law], the minimum landscape setback along Grandview Highway may be reduced to 3.0 m.

Parking, Loading and Bicycles

- Parking, loading and bicycle spaces are to be provided according to the Vancouver Parking By-law, except that for Furniture or Appliance Store use within the building existing as of [the date of enactment of this by-law] a minimum of 50 parking spaces, 1 Class C loading space and 1 Class B loading space shall be provided.
- The relaxation and exemption provisions of the Vancouver Parking By-law are to be available to this site.

PROPOSED CONDITIONS OF APPROVAL

Note: Recommended approval conditions will be prepared generally in accordance with the draft conditions listed below, subject to change and refinement prior to finalization of the agenda for the Public Hearing.

FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council in principle, generally as represented by plans approved for development permit no. 207692, issued January 17, 1989.

DEVELOPMENT APPROVAL

- (b) THAT, prior to enactment of the CD-1 By-law and prior to final approval by Council of the form of development, the registered owner shall obtain approval of a development application by the Director of Planning who shall have particular regard to, among other things, the following:

Drawing Requirements

- (i) The applicant shall provide up-to-date drawings of the existing building indicating interior partitions and assigning principal and accessory uses, and showing the parking and loading layout; and

Landscape

- (ii) Provide a planted landscape strip in the 3.0 m wide setback at the front property line (except at access driveways). The landscape strip shall contain one high-branched tree (minimum 8 cm caliper) for every 6 m of property line and an underplanting of low mixed and deciduous shrubs with ground cover underneath. (Note to applicant: There should be approximately eight trees).
- (iii) Provide a full Landscape Plan illustrating proposed plant materials (common and botanical names), sizes and quantities; notation of existing trees and major plantings to be retained; paving, walls, fences, light fixtures and other landscape elements; and site grading. Proposed plant material should be clearly illustrated on the Landscape Plan. The landscape plan should be at 1:100 (1/8" = 1'-0") minimum scale.

Engineering

- (iv) Parking, loading and bicycle parking are to be provided as per Section 4.2.5.1, Section 5.2.5 and Section 6.2.5.1 of the Vancouver Parking By-law, except that for up to 3 300 m² of a "Furniture or Appliance Store", a minimum of 50 parking spaces, 1 Class C (14 m, existing) loading space and 1 Class B loading space shall be provided, the relaxation and exemption provisions of the Vancouver Parking By-law are to be available for this site.
- (v) Clarification of access and manoeuvring to the loading bays, identifying any parking spaces which obstruct the loading manoeuvring aisle. If necessary,

provide a management plan for loading times and for control of parking in the vicinity of the loading bays.

AGREEMENTS

- (c) THAT, prior to enactment of the CD-1 By-law, the registered owner shall make arrangements for the following to the satisfaction of the Director of Planning, on terms and conditions satisfactory to the Director of Legal Services:
 - (i) modify or release charge 122990M, a restrictive covenant which applies to the southerly 40 feet of the property, to eliminate a conflict between the covenant and the landscape setback provision of the CD-1 By-law which allows a parking encroachment for the existing building.

ADDITIONAL INFORMATION

SITE, SURROUNDING ZONING AND DEVELOPMENT

This 5 859 m² (1.4-acre) site is located on the north side of Grandview Highway, one block east of Renfrew Street. To the north is a transportation corridor containing the Burlington Northern Railway and the SkyTrain Millennium Line. To the west is another similar-size site, zoned I-2, in a similar land use to that on the subject site, and a fast-food restaurant (McDonald's) on the corner of Renfrew and Grandview. A SkyTrain station is on the west side of Renfrew. To the east are other industrial sites which have been rezoned to CD-1 for highway-oriented retail uses. Apart from these CD-1 sites, the zoning throughout the Grandview-Boundary Industrial Area is generally I-2, except for a large site to the north of the subject site which is zoned I-3 and the transportation corridor which is RS-1. The area to the south is RS-1 and developed with predominantly one-family dwellings.

STAFF COMMENTS

Engineering Services' Comments – Engineering Services has no objection to the proposed rezoning, provided that the applicant complies with conditions as shown in Appendix B.

Fire Protection Engineer's Comments – No changes to access from Grandview Highway. Fire Department siamese connection indicated on front of building. Maintain accessibility to this connection for Fire Department.

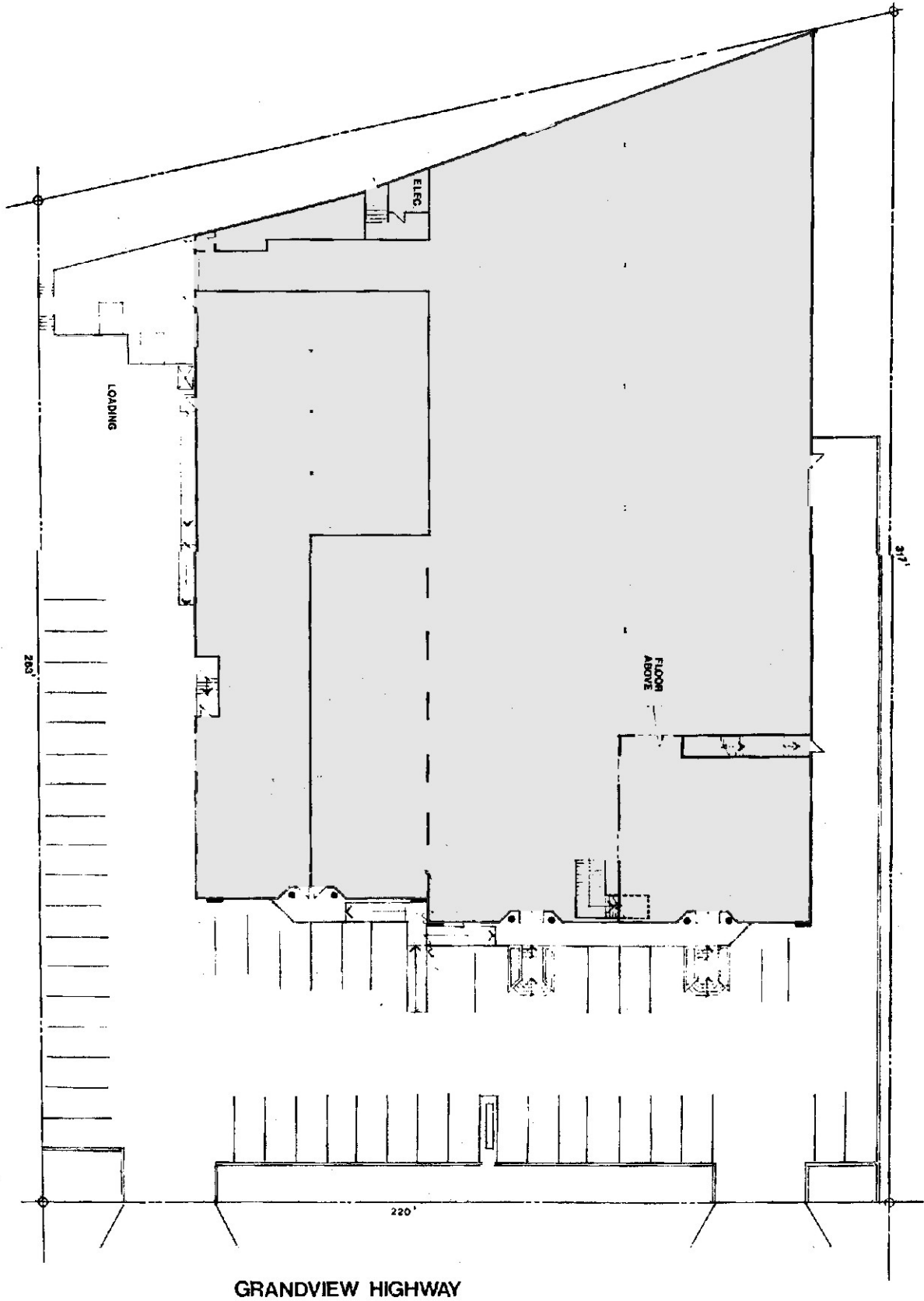
Environmental Protection Comments – Due to the proximity to Still Creek, run-off from the surface parking must pass through a storm interceptor prior to discharge to the storm sewer.

Environmental Health Comments – The Environmental Health Division of Vancouver Coastal Health provided the following comment: "The Noise Control By-law requires amendment at the time of enactment of the Zoning By-law to include this CD-1 or new zoning district in Schedule A."

APPLICANT'S COMMENTS

The applicant received a copy of this report for review and provided no comments.

FORM OF DEVELOPMENT



APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	2999 Grandview Highway
Legal Description	Lot 3, Block A, Sec. 36 SW Qtr. and SE Qtr., THSL Plan 8292
Applicant	Xamax Industrial Investments Ltd.
Architect	
Property Owner	Xamax Industrial Investments Ltd.
Developer	

SITE STATISTICS

	GROSS	DEDICATIONS	NET
SITE AREA	5 859 m ² (63,068 sq. ft.)	—	5 859 m ² (63,068 sq. ft.)

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different then proposed)
ZONING	I-2	CD-1	
USES	Manufacturing, Service, Transportation and Storage, Utility and Communication, Wholesale, Retail uses; Accessory uses	Manufacturing, Service, Transportation and Storage, Utility and Communication, Wholesale, Retail uses (not including grocery store); Accessory uses	
FLOOR SPACE RATIO	up to 3.00 FSR for industrial, up to 1.00 FSR for other uses, max. 1 000 m ² for retail	0.56 FSR for all uses, min. 929 m ² for retail	
MAXIMUM HEIGHT	18.3 m (60 ft.) (outright) 30.5 m (100 ft.) (conditional)	9.0 m (29.5 ft.)	
PARKING SPACES	per Parking By-law	per Parking By-law, except min. 50 spaces for existing building and use	
LANDSCAPE SETBACK (Grandview Highway)	12.1 m (40 ft.)	12.1 m (40 ft.), 3.0 m (10 ft.) allowed for existing building	