



## CITY OF VANCOUVER

### POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: October 19, 2009  
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Meeting Date: November 3, 2009

TO: Vancouver City Council  
FROM: Director of Planning  
SUBJECT: CD-1 Text Amendment – 2727 East 12th Avenue

#### RECOMMENDATION

THAT the application by AMR Design Works, to amend CD-1 #340 (By-law No. 7459) for the site at 2727 East 12th Avenue (Lot B, South ½ of Section 35, THSL, Plan LMP24400) to reduce the required parking to allow for an outdoor fenced storage area, be referred to a public hearing, together with:

- (i) plans prepared by AMR Design Works, received May 14, 2009, generally as presented in Appendix C;
- (ii) draft CD-1 By-law amendments, generally as set out in Appendix A; and
- (iii) the recommendation of the Director of Planning to approve the application, subject to conditions contained in Appendix B.

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 the public hearing.

#### GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

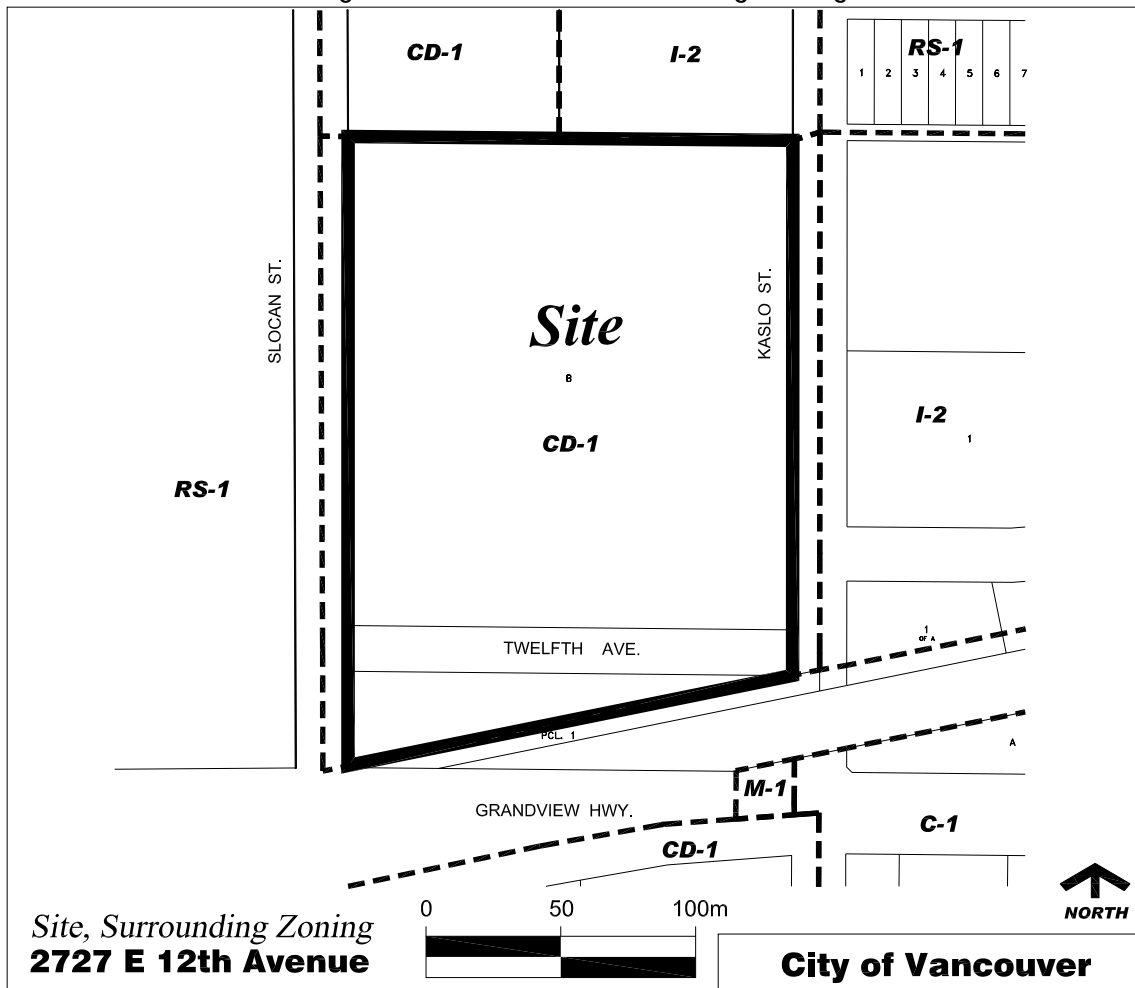
#### COUNCIL POLICY

- CD-1 #340 (By-law No. 7459) for 2727 East 12th Avenue, enacted on July 27, 1995, and amended up to March 14, 2000.

**PURPOSE AND SUMMARY**

This report assesses an application to amend CD-1 #340 to release the site from its 1995 parking requirement, thereby allowing for an outdoor fenced storage area to be approved. Concurrent with the submission of this rezoning application, the applicant has applied for a Development Permit to erect the fence. Staff recommend that the application be referred to a public hearing and be approved, subject to conditions.

**Figure 1 – Site and surrounding zoning**



**BACKGROUND**

In July 1995, the site was rezoned to CD-1 to permit the development of a large-format retail store engaged in the sale of building materials and other home improvement fixtures and supplies. In October 1995, a development permit (DE217296) was issued and the store was constructed during 1996. The store is currently operated by Rona Inc.

On February 5, 2003, a City building inspector identified unauthorized storage of building materials in a fenced area of the parking lot. The fence and outdoor storage area had been built without a permit and it was displacing parking spaces that were required by the CD-1

By-law for the site. Enforcement action was initiated and the applicant is now seeking to legitimize the outdoor storage. On May 14, 2009, they applied for a Development Permit (DE412951) and they also applied to amend the CD-1 By-law, to allow for reduced parking. This amendment must be approved by Council before a permit can be issued for the storage area.

## DISCUSSION

**Use** – The proposed reduction in parking would allow for the fenced storage area which is intended for the display and stocking of various building materials, primarily those used in outdoor hardscape projects. This storage use is consistent with the approved uses in the CD-1 By-law.

**Form of Development** (Note Plans: Appendix C) – The new fenced storage area proposed for the parking lot is consistent with design criteria in the Grandview Boundary Industrial Area Rezoning and Development Policies and Guidelines, and with generally accepted principles of Crime Prevention through Environmental Design (CPTED).

**Density** – The proposed fenced storage area is not required to be included in the floor space calculation and has no impact on the floor space ratio or overall density of the development. Only the parking section of the by-law needs revision.

**Parking** – The existing store with the outdoor storage component would require a minimum of 215 parking spaces under the current Parking By-law. The applicant proposes to provide 451 spaces. Staff recommend amending the CD-1 By-law to remove the 1995 parking requirement of 530 spaces and to simply reference the Parking By-law for an applicable standard. With that, there would no longer be any concern about displacement of parking by the storage area that has been proposed in the development application. More than adequate parking would be provided, exceeding the current minimum standard. The amendment also updates the parking section to include bicycles.

**Public Benefits** – No Community Amenity Contribution is anticipated with this zoning amendment, as there is no increase in floor area. Staff note Engineering condition (b)(viii) which calls for a 2.0 m wide irrigated landscape setback along the south edge of the subject property, adjacent to the Central Valley Trail which follows the Millennium Line guideway. This setback area is to be landscaped as a condition of the development permit, providing an amenity adjacent to the greenway. Some statutory rights-of-way across the subject property are also secured by rezoning conditions for the Central Valley Trail.

## FINANCIAL IMPLICATIONS

There are no financial implications with respect to the City's operating expenditures, fees or staffing.

**CONCLUSION**

Staff conclude that the proposal will help to resolve the enforcement action regarding unauthorized storage of building materials in the parking lot. The Director of Planning recommends that the application be referred to public hearing and be approved, subject to conditions presented in Appendix B.

\* \* \* \* \*

2727 East 12th Avenue  
CD-1 #340  
DRAFT BY-LAW AMENDMENTS

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

- Amend Section 6 as follows:

**6 ~~Off-Street~~ Parking, ~~and~~ Loading *and Bicycle Spaces***

~~Off-street parking, and loading must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that a minimum of one space for each 100 m<sup>2</sup> of gross floor area up to 300 m<sup>2</sup> must be provided, one additional space for each additional 20 m<sup>2</sup> of gross floor area up to 2 300 m<sup>2</sup>, and one additional space for each additional 30 m<sup>2</sup> of gross floor area over 2 300 m<sup>2</sup>, and a minimum of one off-street loading space for each 2 325 m<sup>2</sup> of gross floor area must be provided.~~

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law.

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## 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.

### PROPOSED CONDITIONS OF APPROVAL OF THE FORM OF DEVELOPMENT

- (a) THAT the proposed form of development be approved by Council, generally as prepared by AMR Design Works and stamped "Received Planning Department May 14, 2009", provided that the Director of Planning may allow alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) THAT, in considering his approval of the Development Permit, the Director of Planning shall consider the following form of development conditions:

#### Design Development

- (i) design development to provide more visually open style of fencing than chain link with infill panels;

Note to applicant: A visually open fence allows greater site safety, in accordance with the principles of Crime Prevention through Environmental Design (CPTED). Consideration should be given to providing a decorative metal fence. Alternatively, the infill panel can be deleted.

- (ii) provision of a large-scale (1:100) west-to-east cross-section, illustrating the changes in grade from the public sidewalk on Slocan Street, through the existing retaining wall and across the new yard to the new fence;

#### Landscape

- (iii) provision of a full landscape plan is required. The Landscape Plan should illustrate proposed plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale;
- (iv) provision of a report from a certified arborist about the feasibility of moving the ten existing site trees to other vacant tree locations on the site;

Note to applicant: If the trees cannot be successfully relocated, then ten new trees should be planted in the vacant tree locations on site. If new trees are to be planted then specific tree species, sizes and quantities should be added to the Plant List.

## Engineering

- (v) Correction of the legal description on Page A1.1 is required;

Note to applicant: Description should read "Lot B, South ½ of Section 35, THSL, Plan LMP24400".

- (vi) Confirmation of the largest tractor-trailer truck which will deliver to the site and provide a turning swath which shows the truck manoeuvring into the existing loading spaces;

Note to Applicant: Confirmation required that the design of the security fence and gate will permit access as needed.

- (vii) Clarify how many rental vans or other rental trucks or trailers are kept on the site and identify where they will be stored;

Note to Applicant: If stored within the parking lot, modify the parking tech table to reflect the reduction in parking as they should not be counted in the parking provision.

- (viii) Provide details of the 2.0 m landscape setback along the south edge of Lot B, indicating irrigation and plant details;

- (ix) Enactment of the CD-1 text amendment is required prior to issuance of the Development Permit.

## PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (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 General Manager of Engineering Services, at no cost to the City and on terms and conditions satisfactory to the Director of Legal Services:

- (i) Provision of a 12 m by 8 m Statutory Right of Way (corner cut) at the southwest corner of the site, as indicated on the Site Plan, to connect the Central Valley Greenway with Slocan Street for pedestrian and cycling uses;
- (ii) Provision of a Statutory Right of Way over Lot B to an extent necessary to include the asphalt bicycle pathway. (approx. 0.3 m); and
- (iii) Review of agreements currently registered on title and release of those which are no longer required.

Note to Applicant: Easement & Indemnity agreement 146933M is an obsolete encroachment agreement for an underground foundation that no longer exists. Easement & Indemnity agreement 133763M concerns an electrical conduit that crosses Kaslo Street and may no longer be required.

**Note:** Where the Director of Legal Services deems appropriate, agreements related to condition (c)(i) above (the "agreements") are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting 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.

The 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, if any, shall be determined by the appropriate City official having responsibility for each agreement, who may consult other City officials and City Council.

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### ADDITIONAL INFORMATION

**Site, Surrounding Zoning and Development** – This 35 570 m<sup>2</sup> (382,885 sq. ft.) site is comprised of one parcel on the north side of East 12<sup>th</sup> Avenue, where the retail store and the bulk of the parking are located, and one small, triangular parcel on the south side of East 12th Avenue, underneath the Skytrain guideway and abutting the Central Valley Greenway. To the east of the site is additional I-2 industrial lands, to the west is Van Tech High School, to the north is the Broadway Pentecostal Church and to the northeast there are several blocks of RS-1.

**Public Input** – Rezoning information signs were posted on the site on June 12, 2009. One phone call was received, there was no correspondence, and no one came to City Hall to view plans. The one phone caller requested additional information on how the use of the site might change.

**Comments of the General Manager of Engineering Services** – The General Manager of Engineering Services has no objection to the proposed zoning amendment, provided that the applicant complies with conditions as shown in Appendix B.

**Comments of the Applicant:** The applicant has been provided with a copy of this report and concurs with the contents and enactment conditions.

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APPLICANT, PROPERTY AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	2727 East 12th Avenue
Legal Description	Lot B, South ½ of Section 35, THSL, Plan LMP24400
Applicant	Rona Inc.
Architect	AMR Design Works
Property Owner	Rona Inc.
Developer	Rona Inc.

SITE STATISTICS

	Gross	Dedications	Net
Site Area	35 570 m <sup>2</sup>	n/a	35 570 m <sup>2</sup>

DEVELOPMENT STATISTICS

	DEVELOPMENT PERMITTED UNDER EXISTING ZONING	PROPOSED DEVELOPMENT	RECOMMENDED DEVELOPMENT (if different than proposed)
Zoning	CD-1 (340)	CD-1 (340) (amended)	-
Max. Floor Space Ratio	0.45	0.45	-
Floor Area	13 031.2 m <sup>2</sup> (140 271 sq. ft.)	13 031.2 m <sup>2</sup> (140 271 sq. ft.)	-
Maximum Height	10.7 m (35 ft.)	10.7 m (35 ft.)	-
Minimum Parking	530	215	451