



**POLICY REPORT
DEVELOPMENT AND BUILDING**

Report Date: February 7, 2014
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Meeting Date: February 18, 2014

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services

SUBJECT: Zoning and Development By-law - Amendments to Permit Temporary Sales Office as Conditional Use in RS and RT (Residential) Zoning Districts

RECOMMENDATION

THAT the General Manager of Planning and Development Services be instructed to make application to amend the Zoning and Development By-law to allow Temporary Sales Office as a conditional use in all RS (One-Family Dwelling) and RT (Two-Family Dwelling) Districts, 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 for consideration at the Public Hearing.

REPORT SUMMARY

This report proposes amendments to the Zoning and Development By-law to permit a Temporary Sales Office as a conditional use in the city's RS (One-Family) and RT (Two-Family) zoning districts. The term Temporary Sales Office refers to the time-limited use of a building for the purpose of marketing and selling dwelling units from a nearby residential development. At present, such a use is considered to be an Office use which is primarily allowed in commercially zoned districts; this means that the marketing of a residential development often occurs at a location that is physically disconnected from the project. This proposed text amendment, if approved, will provide some limited flexibility for the marketing of projects to take place, on a time-limited and temporary basis, on sites in close proximity to the product that they are marketing.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- RS District Schedules and Design Guidelines
- RT District Schedules and Design Guidelines.

REPORT

Background/Context

Marketing or “presentation centres” for the sale of dwelling units in a residential development are currently considered to be an Office use and such a use is typically permitted in the city’s commercially zoned districts. As a result, a residential development’s sales office is often located at a site that is completely disconnected from the project that is being marketed. In some limited cases, a CD-1 by-law for a residential development may allow for Office uses but even then, it is not always physically possible or practical to locate a sales office use on the development site given that marketing typically begins in advance of construction and development scheduling and phasing may mean that there is inadequate space or opportunity for the sales office to be located on the rezoning site.

The impetus for this text amendment has been a rezoning application for the St. Stephens Church property at 7025 Granville Street in which the land owner is seeking to allow an undeveloped portion of its property to be used on a temporary basis for a marketing and sales centre that is associated with the neighbouring Shannon Mews redevelopment. In that particular case, a sales centre cannot be accommodated on the Shannon Mews development site because of construction phasing, the scope of excavation for underground parking, residential tenant relocation and the general scope and extent of new development activity on that site. The developer of the Shannon Mews project has indicated that appropriate office opportunities are not available in the Marpole shopping area (which is the nearest commercially zoned area) and that Marpole is too geographically distant and disconnected from the Shannon Mews development site to be an effective location for marketing.

In response to the St. Stephens Church application and to more generally address this issue which has been arising more frequently, staff are proposing a text amendment to the Zoning and Development By-law to allow some limited and managed flexibility to accommodate what is considered to be a necessary function and component of residential development in the city.

Strategic Analysis

1. Terminology

This report references the terms described below:

- Temporary Sales Office, which means the time-limited use of a building for the sole purpose of marketing and selling dwelling units associated with a residential development.

- Outright Approval Use, which are land uses which are permitted as a right provided that necessary conditions are met.
- Conditional Approval Use, which are land uses that may be permitted at the discretion of the Director of Planning subject to the conditions specified in the Zoning and Development By-law and subject to consideration of all applicable policies and guidelines.
- Arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.

2. Proposed Zoning and Development By-law Amendments

The intent inherent in the city's residential district schedules is to maintain the prevailing residential character of such areas. Emphasis is placed on encouraging the neighbourly integration of uses to mitigate potential impacts between adjacent developments. Presently, a variety of uses other than purely residential uses are conditionally allowed in the city's RS and RT zoned areas; examples include institutional uses such as churches and schools, retail activities such as farmers' markets as well as cultural or recreational uses such as a libraries and community centres. The Zoning and Development By-law establishes the parameters that must be considered when approving such conditional uses.

The zoning amendments proposed in this report have been prepared to permit temporary sales offices in RS and RT zoned areas, while ensuring that negative impacts associated with the introduction of these modest commercial uses into residential areas are minimized. The proposed text amendments (see Appendix A) set out a number of conditions that must be addressed before the Director of Planning can approve a Temporary Sales Office use in an RS or an RT zoned district. The conditions would limit the use to a relatively large site having the following characteristics: an area of at least 2000 m², access to an arterial or major street, a location more than 800 metres from a commercial district and within 100 metres of the development project that is being marketed. These locational criteria are intended to direct the Temporary Sales Office use to locations at the perimeter a residential neighbourhood and to prevent any traffic generated by the use from having to access local neighbourhood streets.

The following Zoning and Development By-law amendments are proposed:

a. Define "Temporary Sales Office" use

Introduce a new definition Temporary Sales Office, which is the temporary use of a building, for a period not exceeding three years, for the sole purpose of marketing and selling dwelling units associated with a residential development.

b. Allow "Temporary Sales Office" as a conditional use in RS and RT zones

This amendment would allow Temporary Sales Office as a conditionally approved use by the Director of Planning in all RS and RT districts.

c. Conditions of use and additional regulations

The Temporary Sales Office use would be subject to a number of conditions and additional regulations that outline location and parking. These conditions and regulations stipulate where a Temporary Sales Office can be located in terms of distance from the residential development project and from nearby commercial areas. Potential sites must satisfy a minimum site area threshold and the site must be located on an arterial or major street to ensure that associated traffic remains on major roads at the perimeter of neighbourhoods. All parking required for the use is to be provided on the site and must be in accordance with the Parking By-law.

4. Development Permits

Approvals for a Temporary Sales Office use would be sought through a development permit application. The development permit process involves standardized procedures for neighbourhood notification and public comment. As a conditional use, the Director of Planning will evaluate the suitability and potential impacts of the use on a case-by-case basis and would consider the input of any property owner, tenant or advisory group as well as all applicable City policies and guidelines.

As part of the conditional approval process, the Director of Planning may determine a maximum building size and restrict the hours of operation to ensure that the building and use do not unduly impact the neighbourhood. As the use would only be permitted for a maximum of three years, the development permit will set out requirements to ensure that the sales office would be totally dismantled and removed and the site fully restored to its original condition at the end of the approval term. The Director of Planning may seek security to ensure that the site is returned to its original condition.

PUBLIC INPUT

The impetus for this text amendment has been a rezoning application for the St. Stephens Church property at 7025 Granville Street in which the land owner is seeking to allow an undeveloped portion of its property to be used on a temporary basis for a marketing and sales centre that is associated with the neighbouring Shannon Mews redevelopment. Prior to submission of a rezoning application for the St. Stephens Church property, the church sent pre-application notices to 33 immediate neighbours; one concern was raised about parking for the sales office. The hours of operation of the sales office are not coincident with church activities and the parking generated by the use will be provided for on the site.

Subsequent to a formal application to rezone the St. Stephens Church property, a rezoning information sign was installed on the site on October 3, 2013. Notification and application information, as well as an online comment form, were provided on the City of Vancouver webpage. A total of 270 notices were distributed within the neighbouring area on September 27, 2013. One response was received which sought additional information about the proposal. The level of neighbourhood concern about a temporary sales office use was very low. Staff have concluded that with the comprehensive conditions proposed to apply to the approval of this use, and given the temporary nature of it, any outstanding concerns will be addressed through the development permit process for the temporary sales office.

If the proposed amendment to the Zoning and Development By-law referenced in this report is enacted, the owner of the St. Stephens Church property would initiate a development permit application rather than proceed with its site-specific rezoning for the church property. As part of the development permit application review process, notification will occur and neighbourhood feedback will be solicited. The Director of Planning will take into consideration the submission of any advisory group, property owner or tenant prior to making a decision on the development permit application.

PUBLIC BENEFITS

In response to City policies which address changes in land use and density, temporary sales offices can be expected to offer the following public benefits.

Development Cost Levies (DCLs) – Development Cost Levies (DCLs) collected from development help pay for facilities made necessary by growth, including parks, childcare facilities, replacement housing (social/non-profit housing) and various engineering infrastructure. Temporary sales offices in new buildings would be subject to applicable DCLs.

Implications/Related Issues/Risk (if applicable)

Financial

As noted in the Public Benefits section above, DCLs would be payable for new buildings where applicable.

CONCLUSION

The amendments to the Zoning and Development By-law proposed in this report serve to permit Temporary Sales Office as a conditional use in RS and RT residential districts. These amendments, if approved, would allow the use of land for a time-limited period of three years subject to specified conditions intended to mitigate the potential impacts of the activity on the surrounding neighbourhood. The General Manager of Planning and Development Services recommends that the application to amend the Zoning and Development By-law to allow for Temporary Sales Office as a conditional use be referred to a public hearing, together with the draft by-law provisions generally as set out in Appendix A and, subject to the public hearing, that it be approved.

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Temporary Sales Office use in Residential Zones

Proposed Zoning and Development 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.

Added text is bold-italic.

Temporary Sales Office Use

1. Insert the following definition, under Office Uses in Section 2 of the Zoning and Development By-law, as follows:

“ Temporary Sales Office means the use of a building, for a period not exceeding three years, for the sole purpose of marketing and selling dwelling units associated with a residential development.”

2. Insert a new section **3.2.1.O [Office]** or **3.2.O [Office]** under Conditional Approval Uses in all RS and RT zones.
3. Insert Temporary Sales Office as a conditional approval use in section 3.2.1.O or 3.2.O in all RS and RT zones.
 - *Temporary Sales Office, subject to the provisions of section 11.26 of this By-law.*

Temporary Sales Office Regulations

4. Insert a new **Section 11.26** in Section 11 of the Zoning and Development By-law, as follows:

11.26 Temporary Sales Office - subject to the following:

- 11.26.1** *The minimum site size shall be 2000 m², except that the Director of Planning may permit a smaller site provided that all parking required by the Parking By-law is provided on site.*
- 11.26.2** *The site must be within 100 metres of the development project to which the Temporary Sales Office relates.*
- 11.26.3** *The site must be located on an arterial or major street, which generally have two or more lanes of travel in each direction and are usually designated as truck and bus routes.*
- 11.26.4** *The site must be more than 800 metres from a commercial district, except that the Director of Planning may permit the use closer to a commercial district in circumstances where the*

applicant can demonstrate that suitable commercial vacancy opportunities are not available.

11.26.5 *The Director of Planning considers the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council.*

11.26.6 *The site must be fully restored to its original condition immediately following the expiration of a development permit.*

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