



## ADMINISTRATIVE REPORT

Report Date: January 2, 2018  
Contact: Kristen Elkow  
Contact No.: 604.829.9260  
RTS No.: 12334  
VanRIMS No.: 08-2000-25  
Meeting Date: January 23, 2018

TO: Vancouver City Council  
FROM: General Manager of Planning, Urban Design and Sustainability  
SUBJECT: Applicant request for Council reconsideration of refused Sign Permit SI-2017-00273, 813 Burrard Street

### ***RECOMMENDATION***

THAT Council uphold the decision by the Director of Planning to refuse to issue Sign Permit SI-2017-00273 because the proposed sign does not comply with the Sign By-law or the requirements for a relaxation for unnecessary hardship.

### ***REPORT SUMMARY***

This report recommends that Council uphold the Director of Planning's refusal to issue Sign Permit SI-2017-00273 for a sign to be located at 813 Burrard Street because the proposed fascia sign facing a lane sign does not comply with the Sign By-law or the requirements for a relaxation for unnecessary hardship.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

#### *The Vancouver Charter:*

- Section 571A and 571AA authorizes Council to make bylaws to regulate signs, and to relax Sign By-law regulations in circumstances of unnecessary hardship.
- Section 571AA entitles a person whose request for a relaxation is considered by an official to have the decision reconsidered by Council.

#### *The Sign By-law No. 11879:*

- Enacted on July 25, 2017.
- Section 9. 11 allows a fascia sign on the first storey of a building on the frontage of the premises or on a wall facing a lane if it is located above a public entrance to the premises.

- Part 15 includes regulations for the Director of Planning to consider relaxation requests based on unnecessary hardship, and the process for reconsideration of that decision by Council.

### *CITY MANAGER'S/GENERAL MANAGER'S COMMENTS*

The Director of Planning, Urban Design and Sustainability recommends approval of the foregoing recommendation to uphold the decision by the Director of Planning to refuse to issue Sign Permit SI-2017-00273.

### *REPORT*

#### *Background/Context*

The Arc'teryx retail store is located in a one-storey building at 813 Burrard Street. The public entrance faces Burrard Street, between Robson Street and Smithe Street. A blank side wall of the premises faces onto the adjacent lane and does not have a public entrance (Figure 1).

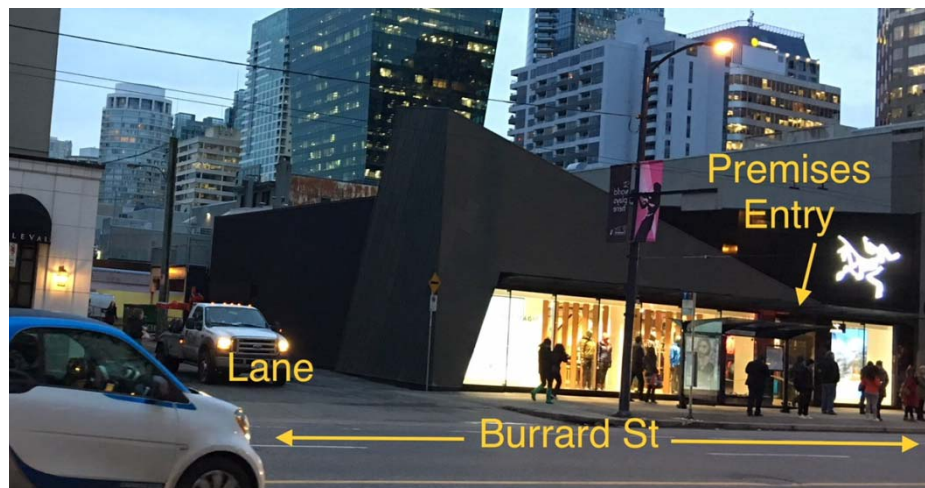


Figure 1: View of premises and adjacent lane

Priority Permits applied for three sign permits on behalf of Arc'teryx on March 31, 2017. Two of the signs in this application package met the Sign By-law regulations and were issued permits (see Figure 2 and Figure 3).



Figure 2: View of existing fascia sign



Figure 3: View of existing projecting sign

One fascia sign, located on the side wall facing the lane, did not comply with the Sign By-law. The Sign By-law only allows a fascia sign to face a lane if there is a public entrance to the premises on the lane.

Staff advised the applicant on April 11, 2017 that staff would not support a variance for this application. The applicant removed this fascia sign from the application package, and then made a separate application for the same sign on May 31, 2017, in order to request a variance from the Board of Variance. The Board of Variance did not review the application before the new Sign By-law was enacted on July 25, 2017.

The new Sign By-law includes a new process for addressing relaxations for unnecessary hardship. This includes:

- A new process and criteria for the Director of Planning to consider relaxations for unnecessary hardship;
- A new process for reconsideration of a Director of Planning decision about a relaxation by Council in which Council may uphold, overturn or vary a decision; and
- A new definition of "Unnecessary hardship":

*"Unnecessary Hardship means hardship that results from unique physical circumstances that are peculiar to the site and does not include mere inconvenience, preference for a more lenient standard or a more profitable use, or self-induced hardship resulting from the actions of the owner or applicant."*

The applicant requested a relaxation on September 25, 2017 (Appendix B), and the Director of refused the relaxation request on October 26, 2017 (Appendix C). On November 1, 2017, the applicant requested that Council reconsider the Director of Planning's decision (see Appendix D).

A detailed file history is attached in Appendix A.

### *Strategic Analysis*

As described on Appendix C, the Director of Planning refused the permit and the request for relaxation on October 26, 2017 for the following reasons:

- The proposed sign faces the lane where there is no public entrance. The sign is also larger than permitted. The submitted rationale indicates that the sign is required as "signage is critical to wayfinding for customers utilizing the Impark parkade behind the store". The proposed Arc'teryx business identification sign does not provide direct and clear wayfinding instructions to patrons seeking public parking or the entry to the premises.
- This does not amount to unnecessary hardship as there are other sign options available that comply with the Sign By-law.
- As there is no unnecessary hardship, the application is not eligible for a relaxation as set out in Section 15 of the Sign By-law.

Pursuant to Sign By-law section 15.11, the applicant requested through the City Clerk that Council reconsider the Director of Planning's decision to refuse the relaxation. Council may consider whether the applicant suffers "unnecessary hardship" and determine what to do with the Director of Planning's decision, by upholding, overturning or varying the decision.

### *Implications/Related Issues/Risk (if applicable)*

#### *Financial*

There are no financial implications.

*CONCLUSION*

The proposed fascia sign facing a lane does not comply with the Sign By-law or the requirements for a relaxation for unnecessary hardship. As two signs that provide adequate visibility for both pedestrians and vehicles have been installed on the property and the applicant has other signage opportunities that can be explored, it is recommended that Council uphold the Director of Planning's refusal to issue sign permit SI-2017-00273 located at 813 Burrard Street.

\* \* \* \* \*

## Application Process Timeline for SI-2017-00273

### First Permit Application SI-2017-00175

- March 31, 2017 - Application SI-2107-00175 was submitted.
- April 3, 2017 - Staff sent a deficiency list to the applicant.
- April 11, 2017 - Staff advised the applicant that staff would not support the proposed sign variance.

### Second Permit Application SI-2017-00273

- May 31, 2017 - The applicant withdrew SI-2017-00175, and submitted a new application SI-2017-00273 for the same sign proposal.
- June 2, 2017 - The applicant requested that the permit be refused. A permit refusal was issued.

### Variance Request

- June 16, 2017 - The applicant requested a Board of Variance appeal, and staff subsequently advised the applicant that staff will not support the proposed sign variance.
- June 26, 2017 - The Board of Variance set an appeal hearing date for July 26, 2017.
- July 19, 2017 - The Board of Variance cancelled the hearing appeal for the sign.
- July 25, 2017 - Council enacted the new Sign By-law, including a process for the Director of Planning to consider requests for relaxation, and that reconsideration of these decisions are to be made by Council.

### Relaxation Request

- September 25, 2017 - The applicant submitted a relaxation request (Appendix B).
- October 18, 2017 - Staff advised the applicant that the relaxation request would not be supported. The applicant advised that it would like to appeal to Council.
- October 26, 2017 - The Director of Planning refused the permit and relaxation (Appendix C).
- November 1, 2017 - The applicant requested Council reconsideration of the Director of Planning's decision (Appendix D).

- November 29, 2017 - The City Clerk advised the applicant that Council would reconsider the decision on January 23, 2017 (Appendix E).
- December 7, 2017 - A letter was sent to applicant advising that it can submit additional information to support its request for a reconsideration by Council (Appendix F). No further information was received

Applicant Relaxation Request

## Priority Permits

September 25, 2017

City of Vancouver  
453 W 12 Ave  
Vancouver, BC

To whom it may concern;

RE: Arc'teryx – 813 Burrard St (SI-2017-00273)

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### Bylaw Deficiencies:

9.11 A fascia sign is permitted, that:

(o) may face a lane if it:

- (i) is above a public entrance to premises, [**\***]
- (ii) contains copy that identifies the principal occupant or building name only, and [**✓**]
- (iii) has a vertical dimension no greater than 0.60 m and is no more than 2.5 m wide. [**\***]

### Rationale:

The proposed sign does not comply with the above bylaw as the proposed sign is not located above a public entrance, and it is larger than 0.6 m x 2.5 m. The sign is to be located above a private entrance.

We sincerely request that you consider supporting the proposal despite the above bylaw deficiency, as this signage is critical to wayfinding for customers utilizing the Impark parkade behind the store since there is very limited additional parking available.

This location is Arc'teryx largest Canadian flagship store, and sufficient signage is an important part of their success. The entire signage proposal is minimal for a building of this size, and the proposal does fit well with the character of this area.

We sincerely request your support and approval for the proposed lane-facing Arc'teryx sign as shown below.

Thank you!

Jason Noseworthy  
Permit Coordinator  
Priority Permits Ltd.  
Phone: 289 389 8951  
Email: [Jason@PriorityPermits.com](mailto:Jason@PriorityPermits.com)





Permit and Relaxation Refusal



October 26, 2017

Priority Permits  
25 Begbie Street  
New Westminster, BC V3M 1B2

Dear Jason Noseworthy:

RE: 813 Burrard Street  
SI-2017-00273

The Director of Planning has received your sign permit application for an illuminated fascia sign and accompanying relaxation request, including the attached rationale dated September 25, 2017.

The sign permit application and relaxation request has been refused by the Director of Planning for the following reasons:

- The proposed sign is located on a laneway where there is no public access, and is oversized. The submitted rationale indicates the sign is required as "*signage is critical to wayfinding for customers utilizing the Impark parkade behind the store*". An Arcteryx business identification sign does not provide direct and clear wayfinding instructions to patrons seeking public parking or the entry to the premises. As a result this conflicts with the intent of the Part 9 Commercial, Mixed Use, and Industrial Sign District applicable on the property to support appropriate use of wayfinding.
- The reasons for the request to locate an oversized sign on the laneway where there is no public access does not amount to unnecessary hardship as there are other sign options available that comply with the Sign By-law.
- As there is no unnecessary hardship, the application is not eligible for a relaxation as set out in section 15 of the Sign By-law.

Pursuant to section 15.1 of the Sign By-law, you may ask Council to reconsider this decision:

**"15.11 Reconsideration by Council**

An owner may request that Council reconsider a decision of the Director of Planning under this Part, by delivering a request in writing to the City Clerk within 14 days of the decision, setting out the reasons for the request."

Sincerely,



John Greer  
Assistant Director, Development Services

## Applicant Reconsideration Request

**From:** Jason Noseworthy [<mailto:jason@prioritypermits.com>]  
**Sent:** Wednesday, November 01, 2017 1:10 PM  
**To:** Correspondence Group, City Clerk's Office  
**Subject:** Arcteryx Appeal Request - 813 Burrard Street - Sign Permit Application

Hello, City Clerk!

On this 1<sup>st</sup> day of November, 2017;

I would like to officially request an appeal to the Director of Planning's decision to refuse the proposed signage for Arc'teryx at 813 Burrard Street.

Please let me know if you require any additional details to proceed. I have attached the refusal (Dated October 26<sup>th</sup>, 2017)

Thank you!

Best regards,



🎉 Celebrating 10 Years of Service! 🎉

<http://PriorityPermits.com>

Jason Noseworthy  
Western Permit Coordinator  
Office: 289 389 8951

Council Meeting Notice



CITY CLERK'S DEPARTMENT  
Office of the City Clerk

November 29, 2017

Mr. Jason Noseworthy  
Permits Coordinator  
Priority Permits Ltd.  
25 Begbie Street  
New Westminster, BC V3M 1B2

Dear Mr. Noseworthy:

**RE:** Arc'teryx - 813 Burrard Street - Sign Permit Application and Relaxation Request  
(SI-2017-00273) - Request for Reconsideration of Refusal

Thank you for your email dated November 1, 2017, in which you request that Council reconsider the decision of the Director of Planning in refusing the sign permit application and relaxation request SI-2017-00273 in relation to Arc'teryx - 813 Burrard Street.

A hearing has been scheduled as follows:

DATE:	Tuesday, January 23, 2018
TIME:	6:00 pm
PLACE:	Council Chamber Third Floor, City Hall

If you require an interpreter, you must submit a request to the City Clerk for an interpreter to attend the hearing at least 7 days before the date of the hearing.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Janice MacKenzie".

Janice MacKenzie  
City Clerk

cc: Gil Kelly, GM Planning and Development  
Anita Molaro, Assistant Director, Urban Design

Request for Submission of Supplementary Reasons



DEVELOPMENT SERVICES

December 6, 2017

Mr. Jason Noseworthy  
Permits Coordinator  
Priority Permits Ltd.  
25 Begbie Street  
New Westminster, BC V3M 1B2

Dear Mr. Noseworthy,

**RE: Request for Submission of Supplementary Reasons  
Arc'teryx, 813 Burrard Street, SI-2017-00273**

Staff reviewed your request for Council reconsideration of the Director of Planning decision to refuse Sign Permit (SI-2017-00273). As noted in the letter from the City Clerk, Council will reconsider the decision on January 23, 2018 at 6 pm.

While oral representations will be permitted at the Council reconsideration, the written reasons you have provided in your letter dated September 25, 2017 requesting Council reconsideration will form an integral part of the basis of Council's reconsideration, and will be appended to the Council report related to the reconsideration. A copy of the report will be made available prior to the Council reconsideration. Based on this, if you would like to submit additional or supplementary written rationale, please submit them to the City Clerk by email to [speaker.request@vancouver.ca](mailto:speaker.request@vancouver.ca) by December 14, 2017 (end of business day). If supplementary reasons are not received by this date, the City will proceed with developing the Council report based on what has already been submitted.

Sincerely,

A handwritten signature in black ink, appearing to be "John Greer", written over a large, stylized flourish.

John Greer, Assistant Director - Development Review Branch

Cc: Janice MacKenzie, City Clerk  
Anita Molaro, Assistant Director of Planning - Urban Design