

VanRIMS No.: 08-2000-20

## MEMORANDUM

March 27, 2017

TO: Mayor and Council

CC: Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Janice MacKenzie, City Clerk  
Lynda Graves, Manager, Administration Services, City Manager's Office  
Rena Kendall-Craden, Director, Communications  
Kevin Quinlan, Chief of Staff, Mayor's Office  
Katie Robb, Director, Communications, Mayor's Office  
Naveen Girn, Director of Community Relations, Mayor's Office

FROM: Gil Kelley, General Manager, Planning, Urban Design & Sustainability

SUBJECT: RTS 11641: Proposed Revisions to Railtown - Zoning and Development By-law Amendments I-4 (Historic Industrial) District

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### RECOMMENDATIONS

- A. THAT Council continue the Public Hearing concerning the above referenced matter on April 11, 2017, and re-open the speakers list and allow for further written submissions by the public.
- B. THAT, at the continued Public Hearing, Council consider the revised proposed Railtown I-4 Zoning District Schedule as attached in Appendix A in this memo, in place of the original proposed by-law that was included as Appendix A in the report entitled, "Facilitating Growth in Vancouver's Innovation Economy - Railtown - Zoning and Development By-law Amendments for I-4 (Historic Industrial) District" dated December 13, 2016.

### Background

On January 26, 2017, the above referenced policy report was first considered by Council at Public Hearing. The speakers list was closed, questions were received from Council, and decision deferred to February 7, 2017.

A memo to Council from staff dated February 6, 2017 requested that Council defer further discussion and decision on the recommendations contained in the report to the Council meeting of March 28, 2017. The purpose of the deferment was to allow staff time to do more research, conduct further public consultation and to consider potential changes to the proposed by-law amendments, while ensuring the provisions of the Regional Growth Strategy ODP are observed.

As a result of further staff research and outside consultation, staff is recommending revisions to the proposed by-laws. In order to provide for public comment on the revised by-law, staff is recommending that Council re-open the speakers list and allow for further public comments in person or by written submission at a continuation of the Public Hearing on April 11, 2017 at 6pm. Any person who already spoke or submitted written comments should be afforded an opportunity to do so again.

The intent of this memo is to:

- Respond to questions asked by Council at the Public Hearing.
- Inform Council of additional consultation with property owners in Railtown and the Strathcona Business Improvement Area Society (Strathcona BIA); and
- Explain the recommended changes to the Railtown Zoning and Development By-law Amendments for I-4 (Historic Industrial) District and additional actions. The revised I-4 Zoning District Schedule is attached as Appendix A.

#### **1. Responses to questions from City Council**

The questions received from Council have been generalized into themes. Under each theme are staff's responses.

**Question 1: What are the land use objectives for the Railtown industrial area in relation to other industrial areas in the city?**

- Railtown is a former heavy industrial area that is evolving and growing into a creative hub in the city. The land use objectives for Railtown are to allow continued evolution of creative uses, particularly "creative products manufacturing", while protecting other existing industrial uses (including traditional Manufacturing, Wholesale and Warehouse uses), start-ups, and local makers and producers, and retaining the area's unique historic character. Limited space for Restaurant, Retail and General Office uses, as well as Artist Studios, would be allowed to contribute to the mix. The overall intent is to support the growing creative economy in Vancouver, which also includes other employment hubs such as the False Creek Flats and Mount Pleasant.
- The City has a commitment to maintain industrial lands in accordance with Metro Vancouver's Regional Context Statement, which classifies Railtown as industrial lands. To meet this commitment, the proposed Railtown I-4 Zoning District includes traditional and new industrial activities as its primary uses. The I-4 Zoning District also allows other supporting and compatible uses, including Artist Studios and limited Office use.

**Question 2: What are the definitions of Creative Products Manufacturing (CPM), Digital Entertainment Information and Communication Technology (DEICT) and Information Communication Technology Manufacturing (ICT)?**

**Proposed New Use:**

- **Creative Products Manufacturing (CPM)**
  - To support the growing creative economy in Raitown, CPM is proposed as a new manufacturing use.
  - CPM means “the use of premises for the creation, development, prototyping and marketing of products that are the result of a customised design process”.
  - Examples of CPM include furniture design and clothing design businesses.
  - CPM honours the intention of maintaining industrial activities while allowing flexibility to adapt to changing industrial technology and production methods which are moving away from heavy machinery for mass production to a more integrated and customized design and prototyping process.
  - CPM differs from the existing Manufacturing definition in that it accommodates design and prototyping activities to result in a customised product, which may include the use of digital technology, without requiring large-scale production on-site.

**Previously Approved Uses:**

- **Digital Entertainment Information and Communication Technology (DEICT) and Information Communication Technology Manufacturing (ICT)** are new uses approved by City Council on February 7, 2017 (RTS 11751) to replace the outdated Information Technology and Software Manufacturing uses.
- **Digital Entertainment Information and Communication Technology (DEICT)**
  - DEICT is an Office use and means “the use, design or development of technology to process digital information and/or deliver a broad range of digital products and services, including but not limited to business applications, data security, data storage, management and processing, entertainment and gaming, interactive educational, communications, e-commerce, social media, software and mobile applications, and may include the use of information technology and telecommunications infrastructure, for hosting, storing and processing digital media, information and applications”.
  - DEICT differs from the definition it replaced in that it does not require any physical products to be manufactured or warehoused on site.
  - Examples of DEICT include mobile application development, gaming and entertainment businesses.
- **Information Communication Technology Manufacturing (ICT)**
  - ICT is a Manufacturing use and means “the production of electrical, electronic or communications equipment, including but not limited to computer-enabled devices, computer hardware, infrastructure, semiconductors, fibre cables and telecommunications equipment”.
  - ICT focuses on the production of “hardware”, including electrical, electronic and communications equipment.

- Examples of ICT include businesses manufacturing hardware such as computer-enabled devices, fibre optic cables and electronics.

### Question 3: What happens to a business that used to fit the definition of Software Manufacturing?

- For businesses that already have a Development Permit and Business License as Software Manufacturing, the use is “grandfathered” and may continue in the space where it is permitted.
- If the business designs or makes digital products or services (e.g. software development), it may be permitted as DEICT.
- If the business manufactures hardware, including electrical, electronic or communications equipment (e.g. fibre optic cables), it may be permitted as ICT.
- If the business designs and prototypes products, which may include the use of digital technology in the process, it may be permitted as CPM.

### Question 4: What is the rationale for the proposed percentage of manufacturing uses in Railtown?

- The City has a commitment to maintain industrial lands in accordance with Metro Vancouver’s Regional Context Statement, which classifies Railtown as industrial lands.
- The **existing** heavy industrial M-2 Zoning District limits non-industrial uses, which includes Office, to 1.0 Floor Space Ratio (FSR) of the total 5.0 FSR. This means that, currently, 80% of the allowed FSR is reserved for industrial uses, which include traditional manufacturing, wholesaling and warehousing.
- The **proposed** light industrial I-4 Zoning District, which would replace the M-2 Zoning District, maintains industrial activities as its primary uses and continues to meet the objectives of the RCS. The maximum FSR remains unchanged at 5.0 and non-industrial uses, which include Office, are limited to 1.0 FSR in new buildings or 1.5 FSR in existing buildings. This means that 70% to 80% of the allowed FSR is reserved for industrial uses, which includes traditional Manufacturing, Wholesale, Warehouse uses as well as the new Creative Products Manufacturing use.
- The majority (51%) of current businesses with Business Licenses are manufacturing and warehousing uses. The proposed Railtown I-4 Zoning District would protect these uses and allow them to continue in the area, while broadening the definition of manufacturing and providing opportunities for the growing creative economy.
- To help meet the overall shortage of artist studio spaces in the city, the proposed Railtown I-4 Zoning District also permits Artist Studios (Class B, without a residential unit) up to a maximum floor space ratio of 5.0.

**Question 5: Are there adequate loading and parking spaces in Railtown, especially loading for manufacturing uses and parking for more intensive uses like office?**

- The Parking Bylaw requires that loading and parking spaces are provided within a development. In cases where they cannot be accommodated within a development, such as in a historic building that cannot be retrofitted to provide the required loading and parking spaces, they can be located on the streets. This is the current situation in Railtown, where on-street parking and loading are critical for existing businesses.
- Office, Restaurant and Retail uses generate a high demand for parking. For example, Office uses have been found to create twice the demand for parking than industrial uses, and as such, the Parking Bylaw requirement for parking is higher for office uses, including DEICT.

**Question 6: What are the impacts of not updating the existing M-2 Zoning District?**

Issues with existing zoning that need to be addressed include:

- Railtown is currently zoned heavy industrial. The economy of the area has changed and the existing zoning does not reflect the businesses that exist in the area.
- The outdated zoning indirectly contributes to a growing issue of businesses that have moved into the area but do not comply with the existing zoning. This has resulted in a number of businesses that do not have a Business License or a Development Permit.
- Some of these non-complying businesses have existed in Railtown for a number of years and have resisted enforcement. This situation is not desirable because these businesses are not accounted for and are in buildings that might not have the required level of building safety upgrades. The proposed I-4 Zoning District strives to accommodate many of the existing businesses and enable them to be brought into compliance.
- “Tech” businesses are often able to pay higher rents, at a level more comparable to other office-type tenants. The proliferation of these tenants is increasing pressure to displace lower paying tenants, including existing manufacturing businesses and artist studios.
- There is currently no protection or incentives to retain historic buildings, which are typically two to three storeys tall. This, combined with rising lease rates, is creating pressure to demolish these historic buildings and redevelop to the maximum density allowed (5.0 FSR).

Updating the zoning would:

- Protect the area for industrial uses while embracing and enabling Creative Products Manufacturing.
- Enable CPM use to locate and continue to grow in Railtown.

- Enable staff to work with businesses and property owners to bring non-complying uses into compliance with appropriate licenses, permits and possibly building safety upgrades.
- Provide an incentive (additional FSR for office use) to retain existing buildings that have historic character.

**Question 7: What are the impacts of the proposed I-4 Zoning District to the area and the uses listed below?**

- **Production or rehearsal studios:** There will be no impacts as this use would continue to be permitted under the same provision as the existing M-2 Zoning District.
- **Restaurants and retail:** These uses will continue to be permitted, but with restrictions on floor area with the intent of encouraging local-serving rather than destination-oriented businesses and to mitigate impacts to adjacent areas.
- **Software manufacturing:** See Question 3.
- The intent of the proposed Railtown I-4 Zoning District is to protect existing manufacturing uses while allowing a flexible mix of uses so land owners can find additional viable tenants, and to help mitigate impacts on adjacent communities.

**Question 8: What public consultation has been done?**

- Targeted consultation on the proposed Railtown Zoning took place in 2015 and 2016, which included one-on-one meetings and a public open house. The open house was widely publicized, including 237 postcards mailed to property owners, business owners and tenants, and over 450 emails sent. The proposed changes and information are also available on [vancouver.ca/dtes](http://vancouver.ca/dtes).
- Extensive six month engagement was completed with the Vancouver Economic Commission and the “tech” industry, including BC Tech, on options concerning the land use definitions.

**Question 9: What are staff’s comments if City Council refers the report back to staff to do further work?**

- The original proposed I-4 Zoning District is in response to what we heard from property owners, business tenants and residents, including those involved in the digital economy, as well as from individuals not represented at the public hearing such as manufacturers and artists.
- Since the public hearing in January 2017, staff have met further with property owners (see Part 2). Staff have identified opportunities to address many of their concerns while still meeting City objectives of balancing the impacts on uses that rely on lower value industrial lands, and retaining the historic character that has attracted many businesses to the area.

- The recommended revisions to the proposed I-4 Zoning District are described in Part 3. If Council is supportive of these revisions, following the continuation of the Public Hearing, staff recommend that the report not be referred back to staff.

## 2. Additional conversations with property owners in Railtown and the Strathcona BIA

City staff and property owners, property managers, realtors and business owners attended three meetings organized by the Strathcona BIA. In general, there was strong agreement that Railtown is a small and unique neighbourhood that is reflective of the rapidly evolving nature of industry. Over time, the area has evolved and grown into a creative hub in the city that attracts smaller, start-up businesses that makes Railtown distinct.

During public presentations at the public hearing on January 26, 2017, and again at these consultative meetings, the group identified challenges and provided suggestions for changes to the Railtown I-4 District Schedule to better reflect this local economy.

- **Physical constraints of some buildings:** In general, there was a feeling that not all buildings are suitable for traditional manufacturing or warehousing uses. Some existing buildings have only eight feet ceiling heights instead of the twenty feet heights typical of traditional industrial buildings. Some buildings, particularly on the 300 block of Railway Road, have no access to loading from the north lane, and there is significant competition for loading spaces that exist on the street.
- **Office Use:** There were concerns that underdeveloped buildings would not be able to maximize the allowable office use if they redevelop. The proposed I-4 zoning would allow more Office use in buildings that were built before 1951 (1.5 FSR as opposed to 1.0 FSR permitted in new buildings), as a way to encourage retention of existing buildings that have historic character. However, many existing buildings (built before 1951) are under-developed at only one to two storeys tall and might not have heritage merits that warrant retention. Some property owners indicated that it would be more beneficial to allow these buildings to be redeveloped in order to maximize the potential for job spaces, and were concerned they would not be eligible for the additional office space.
- **Production or Rehearsal Studio Use:** There were concerns that the 1.0 FSR limit for Production or Rehearsal Studio use is too constraining. Under the existing M-2 and the proposed I-4, the 1.0 FSR limit is shared with Office, Restaurant and Retail uses. It was suggested that Production or Rehearsal Studio use is a part of Railtown's economy and the density should not be restricted.
- **Creative Products Manufacturing Use:** There was overall support for the new Creative Products Manufacturing use (CPM). There was a strong desire to embrace this use by changing it from a conditional use to an outright use and removing the density limit. It was felt that this use honours the intention of maintaining the area for industrial land use purposes while allowing flexibility to adapt to changing industrial technology and production methods. However, there were some suggestions that the new use was confusing and it was suggested that greater clarity is needed.

- **Wholesaling - Class B Use:** There was interest in changing Wholesale - Class B to an outright use to reflect industry changes in shipping and receiving which means wholesaling now requires less space for storage.
- **Artist Studio with Associated Dwelling:** Dwelling unit associated with an Artist Studio - Class B in existing buildings were removed as a use in the previous proposed I-4 due to some concerns that these units are not always rented out to artists and there was difficulty in monitoring it by the City. However, some artists expressed that despite these concerns, this type of units are still important to them. Further, there was interest in allowing some rental only artist studios with associated dwelling unit in new buildings to provide more housing to local artists. Lastly, many artists would like to see the City to take further actions to make these units more affordable and rented to artists only.

### **3. Recommended changes to the Railtown Zoning and Development By-law Amendments for I-4 (Historic Industrial) District**

After considering the concerns and ideas expressed by property owners and the Strathcona BIA and additional research by City staff, staff recommend a number of changes to the proposed Railtown I-4 (Historic Industrial) Zoning District. These changes, outlined below, address the majority of the concerns heard. The proposed amended I-4 District Schedule is attached as Appendix A.

- a. Creative Products Manufacturing (CPM)**
  - Permit CPM use to the maximum floor space ratio allowed (5.0 FSR maximum).
  - Change CPM use from a conditional use to an outright use.
- b. Simplify and clarify the distinction between existing buildings and new buildings**
  - Remove the distinction between buildings constructed before 1951 or after 1951
  - Simplify the determination of whether a building is permitted to build 1.5 FSR or 1.0 FSR of Office by distinguishing between existing building and new buildings
  - Permit Office up to 1.5 FSR in all existing buildings
  - Permit Office up to 1.0 FSR in all new buildings
- c. Production or Rehearsal Studio**
  - Increase the maximum floor space ratio allowed for Production or Rehearsal Studio from 1.0 to 1.5 FSR.
  - The FSR for this use will no longer be shared with Office, Restaurant or Retail uses.
  - Allow additional Production or rehearsal studio in lieu of Office use.
- d. Wholesaling - Class B**
  - Change Wholesaling - Class B from a conditional to an outright use.
  - Permit Wholesaling - Class B to the maximum floor space ratio allowed (5.0 FSR maximum) provided that the gross floor area does not exceed 500m<sup>2</sup>.
- e. Artist Studio with Associated Dwelling:**
  - Add Dwelling associated with Artist Studio - Class B (limited to 1.0 FSR) to I-4.



- To address the concern of affordability of these units, Cultural Services staff are currently undertaking a study on the ways to secure artist spaces in industrial lands and are investigating tools to secure these units as affordable rental. Staff recognize the need for more affordable artist live-work studios and recommend that the decision on adding additional artist live-work studios in Railtown be deferred until staff report back on the opportunities and tools for securing additional affordable rental artist live work studios in industrial areas.

**f. Vertical angle of daylight**

- Delete vertical angle of daylight regulation in I-4.
- This regulation is outdated and is no longer required. This regulation does not exist in other I zones.

In addition, staff recommend that the following actions be taken:

- g. Parking and loading:** That staff undertake a parking and loading review for the area to assist small businesses.
- h. Administrative bulletin on the new CPM use:** That staff develop an administrative bulletin and conduct awareness training with implementation staff to facilitate a better understanding of the new use definitions.
- i. Continue to work with property owners:** That staff use an integrated approach to work with property owners to bring their buildings and uses into compliance.

If you have any questions, please contact Karen Hoese, Assistant Director of Planning for Vancouver Downtown at 604-871-6094 or [karen.hoese@vancouver.ca](mailto:karen.hoese@vancouver.ca).



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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.

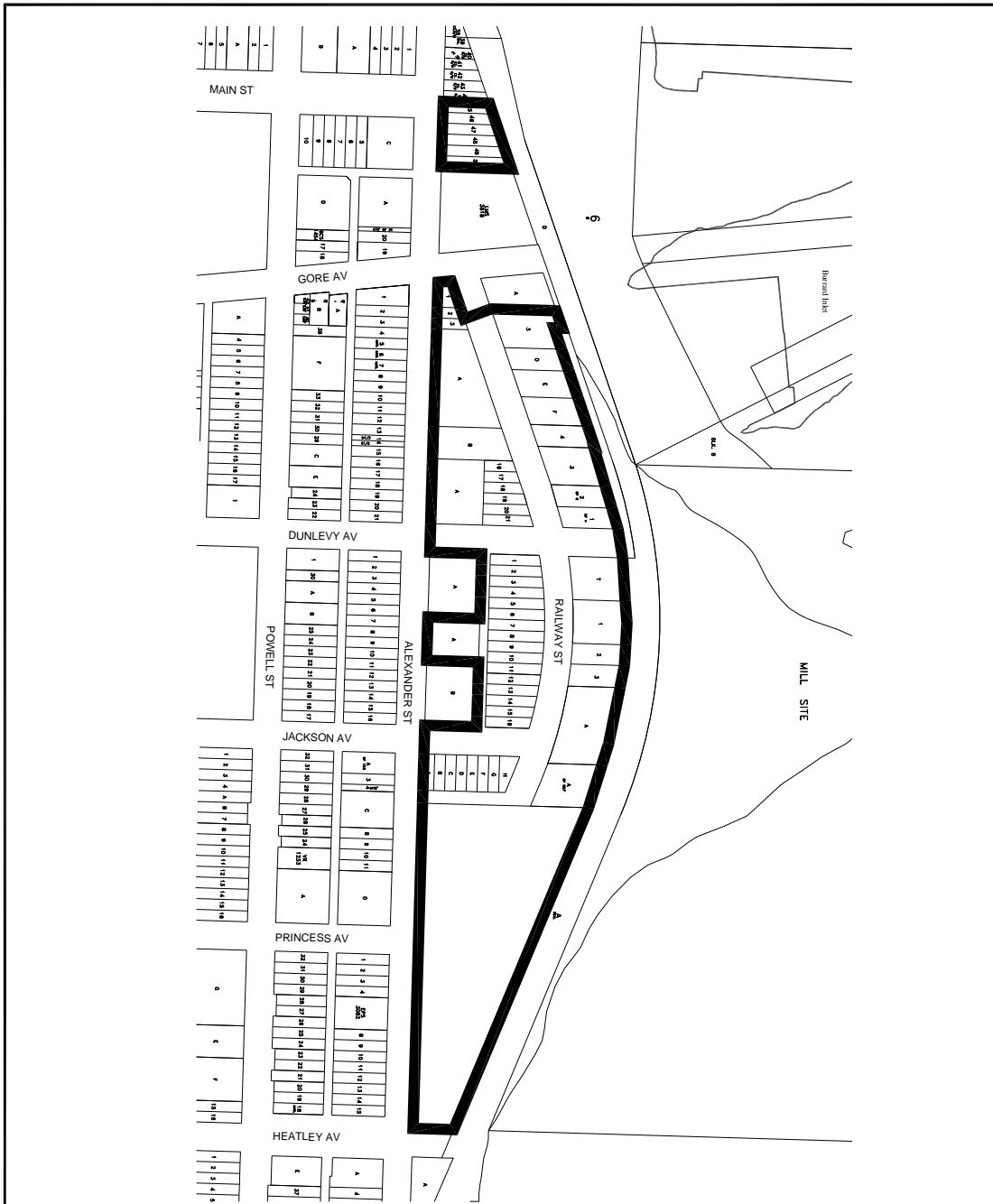
ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
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

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*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.
- Creative Products 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.

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## 2.2.U [Utility and Communication]

- Public Utility.
- Radiocommunication Station.

## 2.2.W [Wholesale]

- Wholesaling - Class A.
- Wholesaling - Class B. provided that the gross floor area does not exceed 500 m<sup>2</sup>.

## 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>1/3</sup> 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.DW [Dwelling]

- Dwelling Unit for a caretaker or watchman or other person similarly employed, if such dwelling unit is considered to be essential to the operation of the business or establishment.
- Residential Unit associated with and forming an integral part of an Artist Studio - Class B, subject to the provisions of section 11.19 of this By-law.

### 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.

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### 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.



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- ~~● 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, where:

- (a) for Manufacturing uses, Transportation and Storage uses, Wholesaling - Class A, Wholesaling - Class B, or Artist Studio - Class B, the maximum permitted floor space ratio shall be 5.0;
- (b) for Production or Rehearsal Studio, Office and all other uses not listed in 4.7.1 (a), the maximum permitted floor space ratio shall be 2.5 combined, and the following limitation applies:
  - i. for Office uses and all other uses not listed in 4.7.1 (a), the maximum permitted floor space ratio shall be 1.0 combined, and the floor area must not exceed 25 percent of the gross floor area of all principal and accessory uses combined
- (c) except that for buildings existing as of [bylaw adoption date], for Production or Rehearsal Studio, Office and all other uses not listed in 4.7.1 (a), the maximum permitted floor space ratio shall be 3.0 combined, and the following limitation applies:
  - i. for Office uses and all other uses not listed in 4.7.1 (a), the maximum permitted floor space ratio shall be 1.5 combined, and the floor area must not exceed 33 ⅓ 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>.

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

- ~~(g) — 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;~~
- ~~(h) — 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;~~
- ~~(i) — 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;~~
- ~~(j) — the floor area in Retail uses, including accessory retail, must not exceed 500 m<sup>2</sup>;~~
- ~~(k) — the floor area in Restaurant - Class 1 use must not exceed 150 m<sup>2</sup>; and~~

~~(1) 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.~~