

# **City of Vancouver** *Zoning and Development By-law*

**Planning, Urban Design and Sustainability Department**

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## **CD-1 (565)**

*East Fraser Lands Park Precinct*

*By-law No. 10942*

*(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)*

***Effective May 13, 2014***

*(Amended up to and including By-law No. 11616, dated September 20, 2016)*

1 CD-1 Plan and Zoning District Plan Amendments

1.1 Council removes from the lands that are subject to CD-1 By-law No. 9733 those portions of the lands shown on the plan marginally numbered Z-619(c)(i) attached as Schedule A to this By-law, and deems such lands to form part of Schedule D to By-law No. 3575, as it did before enactment of CD-1 By-law No. 9733, pending its inclusion in this CD-1 By-law under section 1.2.

1.2 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-619(c)(ii) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Definitions

In this By-law:

“CD-1 (565)” means that area of land shown within the heavy black outline on Schedule A;

“principal dwelling unit combined with a secondary dwelling unit” means a dwelling unit, other than a seniors supportive or assisted housing unit, within a multiple dwelling, whether or not the multiple dwelling use is part of a mixed use building, which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit may have either shared or separate external access but must have shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence; and

“secondary dwelling unit” means a secondary dwelling unit referred to in the definition of “principal dwelling unit combined with a secondary dwelling unit”.

3 Uses

3.1 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (565) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are those uses which this Section 3 lists.

3.2 Uses permissible in CD-1 (565) are:

- (a) Dwelling Uses, limited to:
  - (i) Multiple Dwelling,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
  - (iii) Seniors Supportive or Assisted Housing, and
  - (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;
- (b) Parking Uses, limited to Parking Area;
- (c) Cultural and Recreational Uses, limited to Park or Playground;
- (d) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (e) Interim Uses not listed in section 3.2, and accessory uses customarily ancillary to them, if:
  - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
  - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 10942 or provides an explanatory note.

- (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (565),
- (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
- (v) any development permit for an interim use has a time limit of three years.

#### 4 Conditions of use

4.1 The design and lay-out of at least 35% of the dwelling units must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms; and
- (c) comply with Council's "High Density Housing for Families with Children Guidelines".

4.2 At least 88 dwelling units must consist of affordable housing dwelling units. [11616; 16 09 20]

4.3 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.

#### 5 Density

5.1 The floor area for all uses, combined, must not exceed 62 608 m<sup>2</sup>.

5.2 The number of principal dwelling units combined with secondary dwelling units in a building must not exceed 25% of the total number of dwelling units in that building.

5.3 A secondary dwelling unit must consist of at least 19 m<sup>2</sup>.

5.4 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their cross-sectional areas and included in the measurements for each floor at which they are located; and
- (c) in the case of a dwelling use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height except for additional amounts that represent undeveloped floor areas beneath roof elements which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.

5.5 Computation of floor area must exclude:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) 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 are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;

- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 3 000 m<sup>2</sup>; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 406 mm thickness based on an overall wall performance of R15 or greater.

5.6 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:
  - (i) the total area of all open balcony or sundeck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (b) enclosed residential balconies if:
  - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure,
  - (ii) the enclosed balconies are part of dwelling units in the first nine storeys that front Marine Way or Boundary Road, and
  - (iii) the total area of enclosed residential balcony exclusion does not exceed 4% of the residential floor area of dwelling units fronting on Marine Way or Boundary Road;
- (c) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character, energy efficiency, or occupant comfort;
- (d) unenclosed outdoor areas at grade level underneath building overhangs, if:
  - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
  - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (e) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
- (f) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
- (g) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 5.4(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and

- (h) floor space devoted to passive design elements such as larger ventilation shafts, or other elements providing ventilation and light within buildings if:
  - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and
  - (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

5.7 The use of floor space excluded under section 5.5 or 5.6 must not include any purpose other than that which justified the exclusion.

## 6 Building height

6.1 The building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall, for each development parcel illustrated on the plan marginally numbered Z-619(c)(iii) attached as Schedule A to this By law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:

<b>Development Parcel</b>	<b>Number of storeys</b>	<b>Maximum building heights in metres</b>
20	16	53.0
21	10	35.0
43	18	61.5

6.2 If the uppermost level of a building:

- (a) consists of the upper floors of two storey dwelling units;
- (b) does not exceed 40% of the floor area below it;
- (c) provides rooftop access to private outdoor space and usable roof area; and
- (d) meets the intent of the CD-1 design guidelines adopted by Council for it;

then, for the purposes of section 6.1, the uppermost level is not a storey.

6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

## 7 Parking, loading, and bicycle spaces

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, except that:

- (a) with respect to multiple dwelling uses:
  - (i) each dwelling unit that consists of less than 112.5 m<sup>2</sup> of floor area must have at least 1 parking space for each 75 m<sup>2</sup> of floor area,
  - (ii) each dwelling unit that consists of 112.5 m<sup>2</sup> or more of floor area must have at least 1.5 parking spaces for each dwelling unit,
  - (iii) each dwelling unit must have at least 0.1 visitor parking spaces,
  - (iv) each dwelling unit that consists of less than 130 m<sup>2</sup> of floor area must have no more than 1 parking space for each 65 m<sup>2</sup> of floor area,
  - (v) each dwelling unit that consists of 130 m<sup>2</sup> or more of floor area must have no more than 2 parking spaces for each dwelling unit,
  - (vi) each dwelling unit must have no more than 0.2 visitor parking spaces, and

- (vii) despite clauses (iv) and (v), if the maximum number of parking spaces calculated at a rate of 1 space for each 65 m<sup>2</sup> of gross floor area results in less than the total number of dwelling units in the building, excluding secondary dwelling units then each dwelling unit must have no more than 1 parking space;
- (b) with respect to affordable housing, each dwelling unit must have:
  - (i) at least 0.4 parking space,
  - (ii) at least 0.1 visitor parking space,
  - (iii) not more than 1 parking space, and
  - (iv) not more than 0.2 visitor parking space.

## 8 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

## 9 Severability

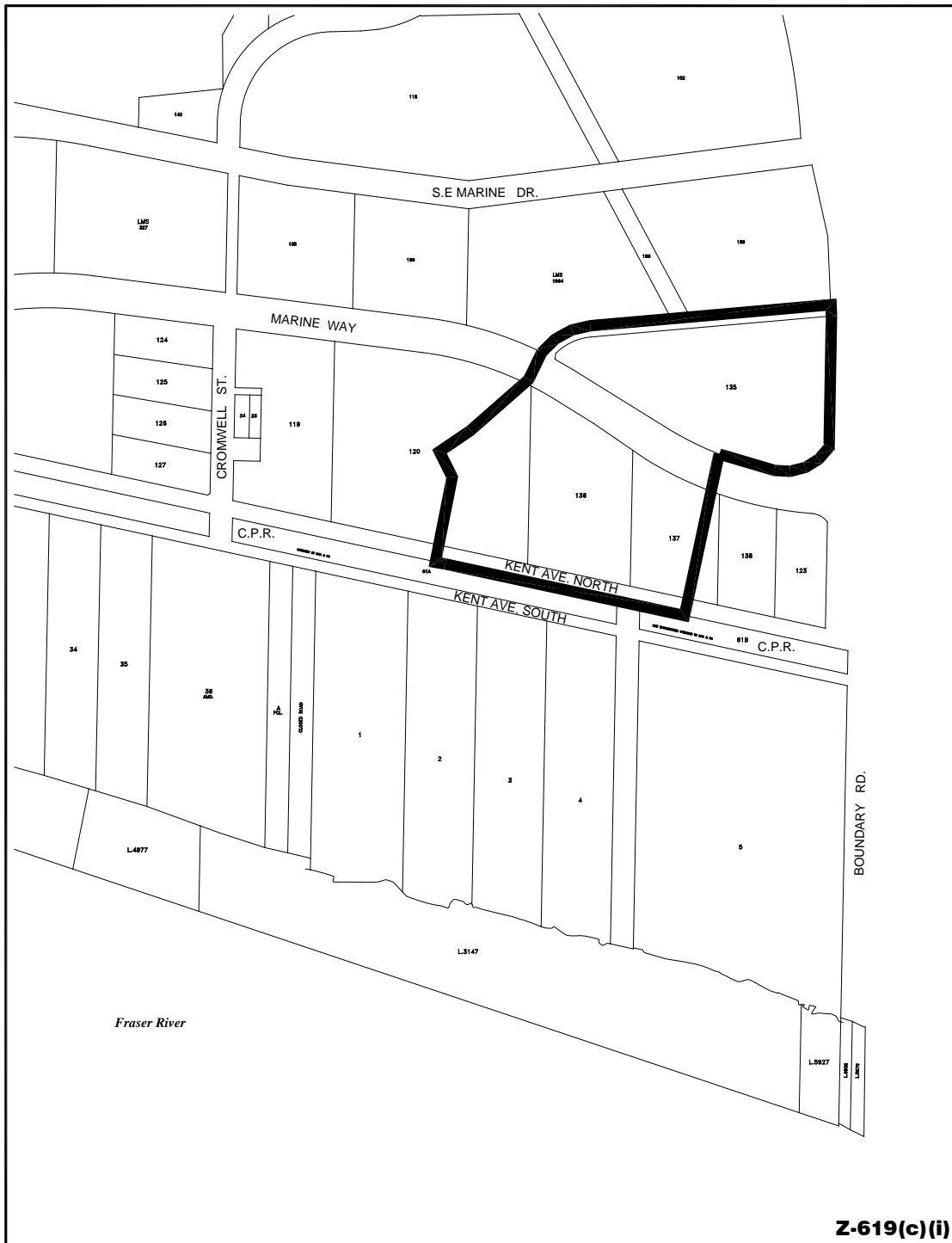
A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

## 10 Force and effect

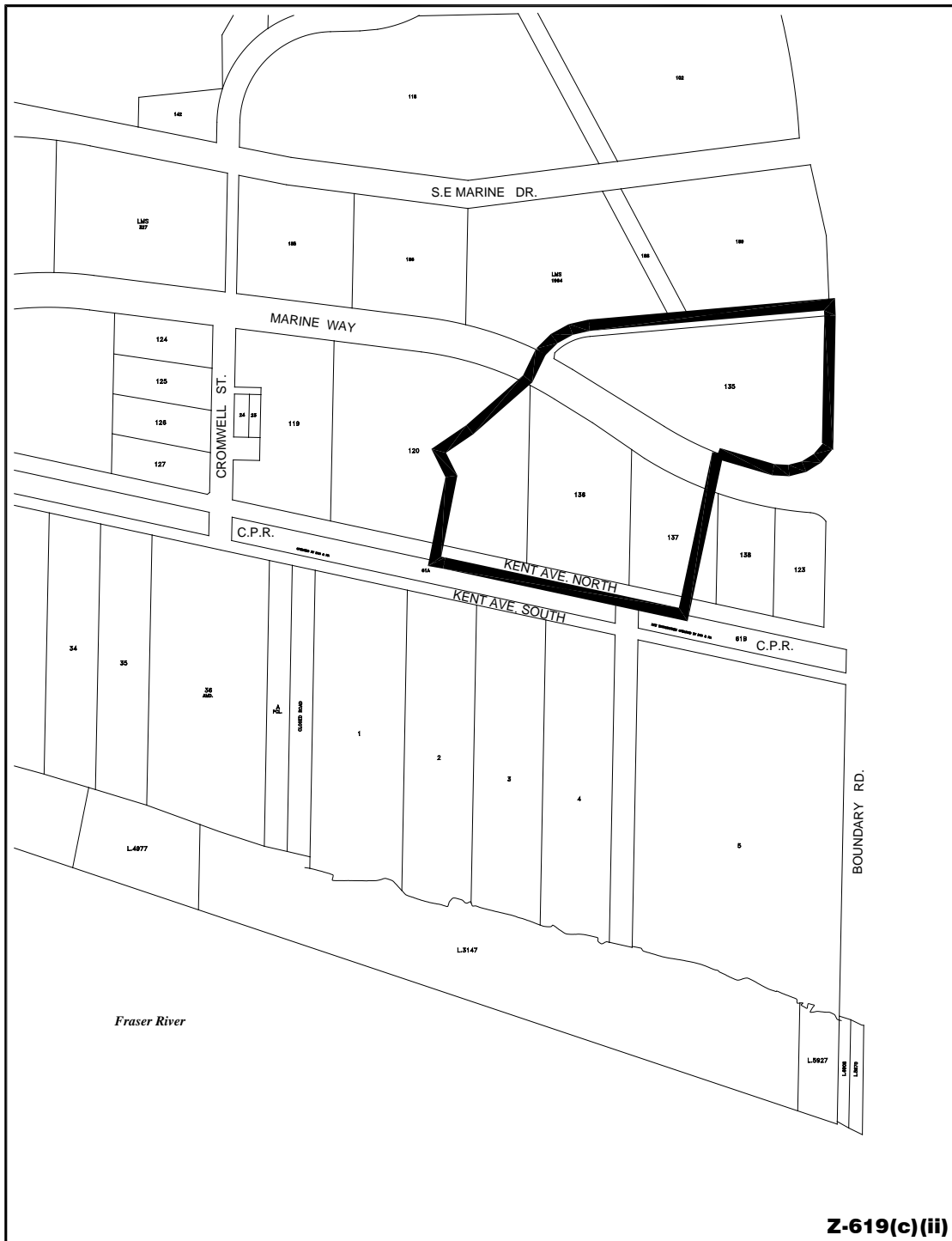
This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 13th day of May, 2014.

**Schedule A**



RZ - East Fraser Lands - Removal of lands from East Fraser Lands Non-High Street By-law and Inclusion into Schedule D to the Zoning and Development By-law		map: 1 of 1	↑
		scale: NTS	
<b>City of Vancouver</b>		date: 2009-12-15	



**Z-619(c)(ii)**

**RZ - East Fraser Lands - "Park Precinct CD-1"**

map: 1 of 1

scale: NTS



**City of Vancouver**

date: 2009-12-15



