



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

**Planning, Urban Design and Sustainability Department**

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## CD-1 (642)

*2133 Nanton Avenue*

*(formerly known as 4255 Arbutus Street)*

***By-law No. 11658***

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

***Effective November 1, 2016***

*(Amended up to and including By-law No. 12084, dated May 1, 2018)*

## 1 Zoning District Plan Amendment

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-635 (c) 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:

- (a) “Adult Day Care Facility” means the use of premises by a non-profit society to provide non-residential supervision, social and recreational activity programs, personal care and related health care services, meals and information to persons as they age; and
- (b) “Geodetic Datum” means the current vertical reference surface adopted and used by the City of Vancouver.

## 3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (642).

3.2 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 (642) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Adult Day Care Facility;
- (b) Cultural and Recreational Uses, limited to Artist Studio, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, Swimming Pool, and Park or Playground;
- (c) Dwelling Uses;
- (d) Institutional Uses, limited to Child Day Care Facility, Church, Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre, and Community Care Facility – Class B or Group Residence;
- (e) Office Uses;
- (f) Parking Uses;
- (g) Retail Uses, limited to Farmers Market, Grocery or Drug Store, Grocery Store with Liquor Store, Retail Store, Furniture or Appliance Store, Liquor Store, Secondhand Store, and Small-scale Pharmacy; [12084; 18 05 01]
- (h) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class A, Repair Shop - Class B, Restaurant, School – Arts or Self Improvement, School – Business, School – Vocational or Trade;
- (i) Utility and Communication Uses, limited to Public Utility or Radiocommunication Station; and
- (j) Accessory Uses customarily ancillary to the uses listed in this section 3.2.

[11749; 17 03 07]

## 4 Conditions of use

4.1 All commercial uses must be carried on wholly within an enclosed building except for:

- (a) restaurant;
- (b) neighbourhood public house; and
- (c) display of flowers, plants, fruits, and vegetables, in conjunction with a permitted use.

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 11658 or provides an explanatory note.

4.2 Except for an insurance office, travel agency or real estate office, no office use other than office entrances, shall be permitted across the full width of the front wall of any building, to a depth of 10.7 m on that portion of a storey having an elevation within 2.0 m of street grade on the fronting street.

## 5 Floor area and density

5.1 The floor area for all uses combined must not exceed 67 065 m<sup>2</sup> except that:

- (a) floor area for dwelling uses must not exceed 55 750 m<sup>2</sup>; and
- (b) floor area for non-dwelling uses must be at least 11 065 m<sup>2</sup>.

[11749; 17 03 07]

5.2 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, both above and below ground level, measured to the extreme outer limits of the building; and [11749; 17 03 07]

5.3 Computation of floor area must exclude: [11749; 17 03 07]

- (a) open residential balconies, sun decks, porches 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) the floors or portions of floors 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, which are at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
- (d) all residential storage area above or below base surface, except that if the residential storage area 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 area above base surface for that unit.

[11749; 17 03 07]

5.4 Computation of floor area may exclude: [11749; 17 03 07]

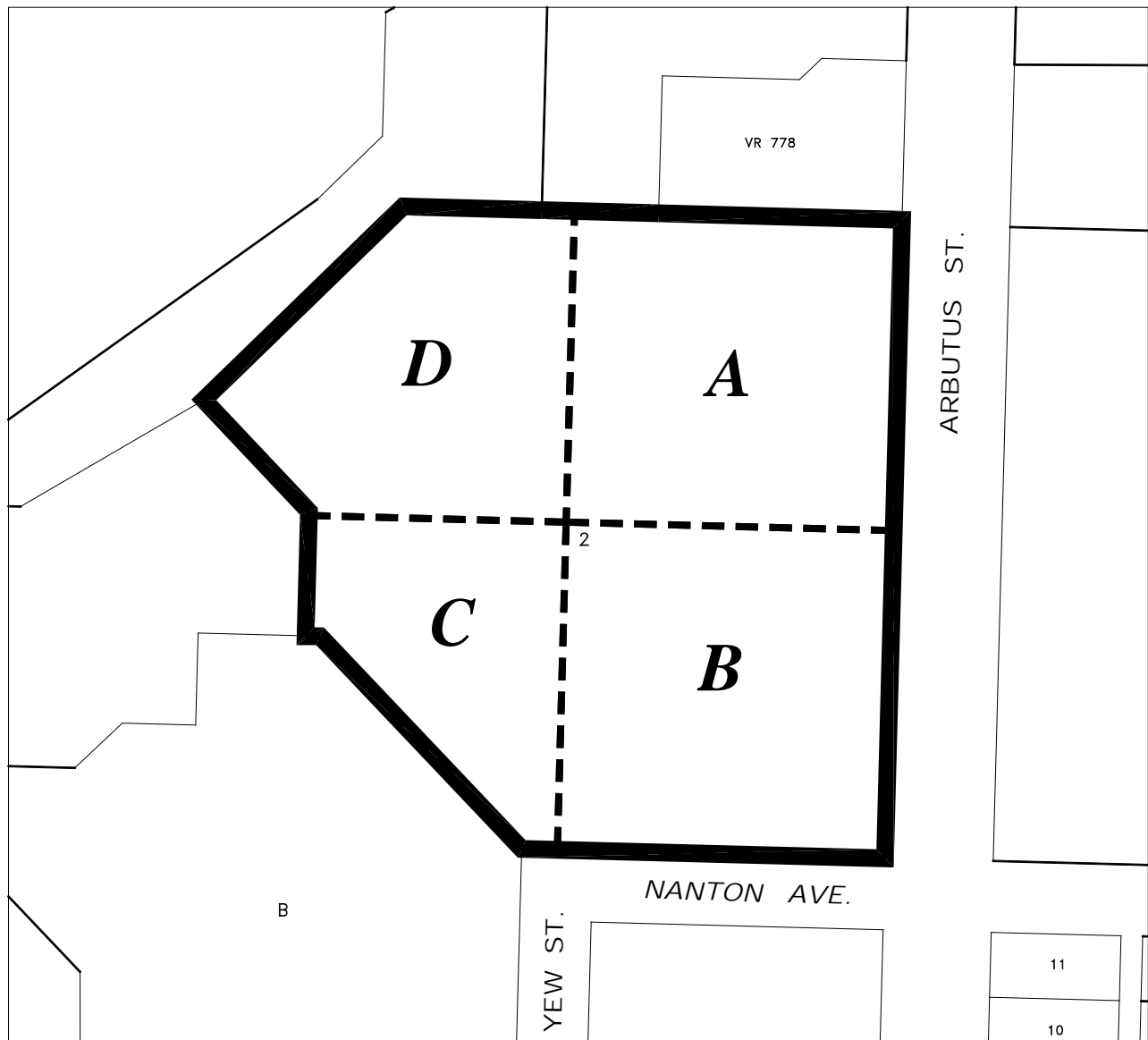
- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure, except that:
  - (i) the total area of all open and enclosed balconies, must not exceed 8% of residential floor area, and
  - (ii) no more than 50% of excluded balcony floor area may be enclosed;
- (b) amenity areas, except the total exclusion must not exceed the lesser of 20% of permitted floor area or 1 400 m<sup>2</sup>.

5.5 The use of floor area excluded under sections 5.3 and 5.4, must not include any purpose other than that which justified the exclusion. [11749; 17 03 07]

## 6 Sub-areas

The site is to consist of 4 sub-areas approximately as illustrated in Figure 1, solely for the purpose of height calculation.

Figure 1



## Arbutus Centre Sub-Areas



- 7 Building height
  - 7.1 Building height on the site must be measured in metres referenced to Geodetic Datum.
  - 7.2 Building height, measured from the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed the maximum heights set out on the table below.

Sub-area	Maximum building height
A	65 m
B	57 m
C	57 m
D	57 m

7.3 Section 10.11 of the Zoning and Development By-law is to apply, except that, despite section 10.11 and section 7.2 of this By-law, the Director of Planning or Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for:

- (a) a mechanical penthouse; and
- (b) access and infrastructure required to maintain green roofs or urban agriculture, including stair and elevator enclosures, amenity areas, tool sheds, trellises and other garden structures, or roof-mounted energy technologies, including solar panels, wind turbines, and similar items, if the Director of Planning or Development Permit Board first considers:
  - (i) the effects on public and private views, shadowing, privacy, and noise impacts, and
  - (ii) all applicable policies and guidelines adopted by Council.

8 Parking, loading, and bicycle spaces

Any development or use of the site requires the provision and maintenance of off-street parking spaces, loading spaces, and bicycle spaces, in accordance with the Parking By-law.

9 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.

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

10 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.

11 Force and effect

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

ENACTED by Council this 1st day of November, 2016.



The property outlined in black (  ) is rezoned:  
 From **CD-1** to **CD-1**

**Z-635 (c)**

RZ - 4255 Arbutus Street	map: 1 of 1	
	scale: NTS	

<b>City of Vancouver</b>	date: June, 2011
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