



City of Vancouver *Zoning and Development By-law*

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CD-1 (190)

2908 West 33rd Avenue

By-law No. 6155

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

Effective June 16, 1987

(Amended up to and including By-law No. 10192, dated December 14, 2010)

BY-LAW NO. 6155

A By-law to amend By-law No. 3575, being
the Zoning and Development By-law

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting assembled, enacts as follows:

1 Zoning District Plan Amendment

The “Zoning District Plan” annexed to By-Law No. 3575 as Schedule “D” is hereby amended according to the plan marginally numbered Z-328c and attached to this By-law as Schedule “A”, and in accordance with the explanatory legends, notations and references inscribed thereon, so that the boundaries and districts shown on the Zoning District Plan are varied, amended or substituted to the extent shown on Schedule “A” of this By-law, and Schedule “A” of this By-law is hereby incorporated as an integral part of Schedule “D” of By-law No. 3575.

[10192; 10 12 14]

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD 1 (190).

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

- (a) Cultural and Recreational Uses, limited to Fitness Centre;
- (b) Dwelling Uses, limited to Dwelling units in conjunction with any of the uses listed in this By-law except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building facing Mackenzie Street and extending across 50% of the width of the building facing Mackenzie Street shall be used for any residential purpose except as entrances to the residential portion;
- (c) Office Uses, limited to Financial Institution, General Office, Health Care Office, Health Enhancement Centre;
- (d) Retail Uses, limited to Neighbourhood Grocery Store, Retail Store;
- (e) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B, Restaurant - Class 1; and
- (f) Accessory uses customarily ancillary to the above uses.

[10192; 10 12 14]

3 Density

3.1 Computation of floor space ratio must assume that the site consists of 1 198 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The number of Dwelling Units must not exceed 10.

3.3 The floor space ratio for all uses, combined, must not exceed 1.25, except that the floor space ratio for all dwelling uses must not exceed 1.1.

3.4 Computation of floor space ratio must include:

- (a) all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building, and

- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.5 Computation of floor space ratio 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 permitted residential floor area;
- (b) patios and roof gardens for residential purposes only, 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:
 - (i) are at or below the base surface, except that the maximum exclusion for a parking space must 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, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas including recreation facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10 percent of the total permitted floor area;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (f) 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 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000; and
- (g) with respect to exterior:
 - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
 - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in subsection (ii) meets the standards set out therein.

3.6 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board, enclosed residential balconies, if 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, except that:

- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and
- (b) enclosure of the excluded balcony floor area must not exceed 50%.

3.7 The use of floor space excluded under section 3.5 and 3.6 must not include any purpose other than that which justified the exclusion.

[10192; 10 12 14]

4 Height

4.1 The building height of the mixed-use building on the site, measured from base surface, must not exceed 12.2 m.

4.2 The building height of the Two-Family Dwelling on the site, measured from base surface, must not exceed 10.7 m.

[10192; 10 12 14]

5 Setbacks

- 5.1 The setback of the mixed-use building on the site must be at least:
- (a) 0.91 m from the north front yard property line;
 - (b) 0.30 m from the east side yard property line; and
 - (c) 0.44 m from the south rear yard property line.

- 5.2 The setback of the Two-Family Dwelling on the site must be at least:
- (a) 4.42 m from the north front yard property line;
 - (b) 1.52 m from the west side yard property line; and
 - (c) 0.44 m from the south rear yard property line.

[10192; 10 12 14]

6 Parking, loading, and bicycle spaces

- 6.1 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.

[10192; 10 12 14]

7 Horizontal angle of daylight

- 7.1 Each habitable room must have at least one window on an exterior wall of a building.

- 7.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

- 7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

- 7.4 If:
- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
 - (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may reduce the horizontal angle of daylight requirement.

- 7.5 An obstruction referred to in section 7.2 means:
- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the site;
 - (b) accessory buildings located on the same site as the principal building;
 - (c) any part of the same building including permitted projections; or
 - (d) the largest building permitted under the zoning on any site adjoining CD-1 #190.

- 7.6 A habitable room referred to in section 7.1 does not include:
- (a) a bathroom; or
 - (b) a kitchen whose floor area is the lesser of:
 - (i) less than 10% of the total floor area of the dwelling unit, or
 - (ii) less than 9.3 m².

[10192; 10 12 14]

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.

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

[10192; 10 12 14]

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.

[10192; 10 12 14]

10 Force and effect

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

DONE AND PASSED in open Council this 16th day of June 1987.

(signed) Gordon Campbell
Mayor

(signed) M. Kinsella
City Clerk

“I hereby certify that the foregoing is a correct copy of a By-law passed by the Council of the City of Vancouver on the 16th day of June 1987, and numbered 6155.

CITY CLERK”

By-law No. 6155 being a By-law to amend By-law No. 3575 being the Zoning and Development By-law

