



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

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## CD-1 (424)

*745-749 West 42nd Avenue*

*5816-5818 Tisdall Street*

*By-law No. 8926*

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

***Effective September 14, 2004***

1 *[Section 1 is not reprinted here. It contains a Standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

## 2 Uses

**2.1** The description of the area shown within the heavy black outline on Schedule A is CD-1 (424).

**2.2** The only uses permitted within CD-1 (424), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Multiple Dwellings containing a maximum of 25 dwelling units; and
- (b) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

## 3 Density

**3.1** The floor space ratio must not exceed 1.0.

**3.2** Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be 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.

**3.3** 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;
- (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:
  - (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 day care facilities, recreation facilities, and meeting rooms, not to exceed 10% of the total permitted floor area;
- (e) areas of undeveloped floors located:
  - (i) above the highest storey or half-storey, and to which there is no permanent means of access other than a hatch, or
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (f) 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> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; 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 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

4 Building height

The building height, measured above base surface, must not exceed 9.2 m, except that the Director of Planning may permit an increase to 11.7 m to allow for a pitched roof form.

5 Setback

The setback of a building must be at least:

- (a) 2.3 m from the north rear property line;
- (b) 2.8 m from the east rear property line;
- (c) 2.0 m from the west side yard property line;
- (d) 4.7 m from the south side yard property line; and
- (e) 4.8 m from Tisdall Street and 42nd Avenue.

6 Parking and loading, and bicycle spaces

Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle storage, except that each dwelling unit must have the lesser of one parking space for each 70 m<sup>2</sup> of gross floor area and 1.6 parking spaces.

7 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 the 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

8 Severability

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

9 Force and effect

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

10 *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

By-law No. 8926 being a By-law to amend By-law No. 3575

being the Zoning & Development By-law



The property outlined in black (  ) is amended:

From **RT-1** to **CD-1**

**Z-550**

RZ - 745-749 W. 42nd Ave. & 5816-5818 Tisdall St.

map: 1 of 1

scale: 1:2000



**City of Vancouver**