

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

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[planning@city.vancouver.bc.ca](mailto:planning@city.vancouver.bc.ca)

## **CD-1 (425)**

*5312 Oak Street*

*By-law No. 8927*

*(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 (425).

**2.2** The only uses permitted within CD-1 (425), 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 21 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, calculated from existing grade along Oak Street and from building grade along the lane, must not exceed 9.2 m or 2 1/2 storeys.

**5 Setback**

The setback of a building must be at least:

- (a) 4 m from the rear property line, except that bay windows may extend 0.6 m into the setback;
- (b) 4.1 m from the Oak Street property line;
- (c) 4.1 m from the 37th Avenue property line; and
- (d) 4.1 m from the 38th Avenue property line.

**6 Parking, 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 at least 1.1 parking spaces and one additional space for each 200 m<sup>2</sup> of gross floor area to a maximum of 2.2 required 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.

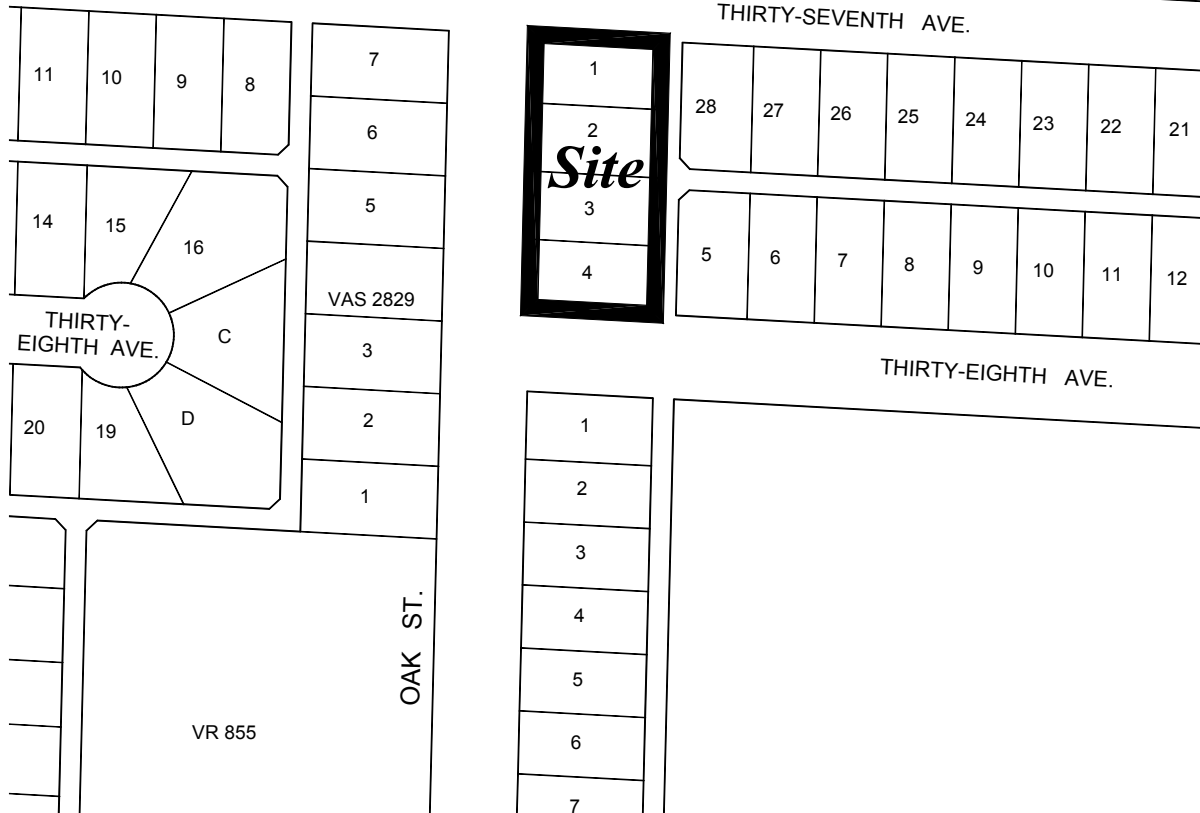
**9 Force and effect**


**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. 8927 being a By-law to amend By-law No. 3575  
 being the Zoning & Development By-law

VAN DUSEN  
GARDENS

ERIC HAMBER  
HIGH SCHOOL



The property outlined in black (  ) is amended:  
 From RS-1 to CD-1

Z-550

RZ - 5312 Oak Street

map: 1 of 1

scale: 1:2000



City of Vancouver

5312 - 5392 Oak Street

**BY-LAW NO. 8927**

**A By-law to amend  
Zoning and Development By-law No. 3575  
to rezone an area to CD-1**

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

**Zoning District Plan amendment**

1. 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-550 attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

**Uses**

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (425).

2.2 The only uses permitted within CD-1 (425), 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 21 dwelling units; and

(b) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

**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.

#### **Building Height**

4. The building height, calculated from existing grade along Oak Street and from building grade along the lane, must not exceed 9.2 m or 2 1/2 storeys.

#### **Setback**

5. The setback of a building must be at least:

(a) 4 m from the rear property line, except that bay windows may extend 0.6 m into the setback;

(b) 4.1 m from the Oak Street property line;

(c) 4.1 m from the 37<sup>th</sup> Avenue property line; and

(d) 4.1 m from the 38<sup>th</sup> Avenue property line.

#### **Parking, loading, and bicycle spaces**

6. 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 at least 1.1 parking spaces and one additional space for each 200 m<sup>2</sup> of gross floor area to a maximum of 2.2 required parking spaces.

#### **Acoustics**

7. 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.

Portions of dwelling units

Noise levels (Decibels)

bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

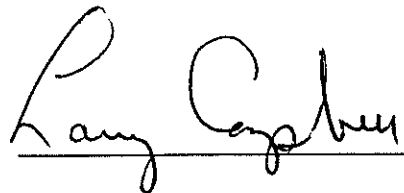
**Severability**

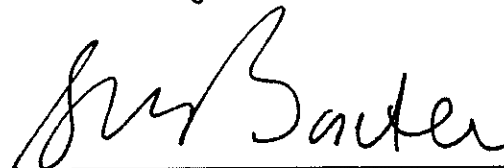
8. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

**Force and effect**

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

ENACTED by Council this 14th day of September, 2004

  
\_\_\_\_\_  
Mayor

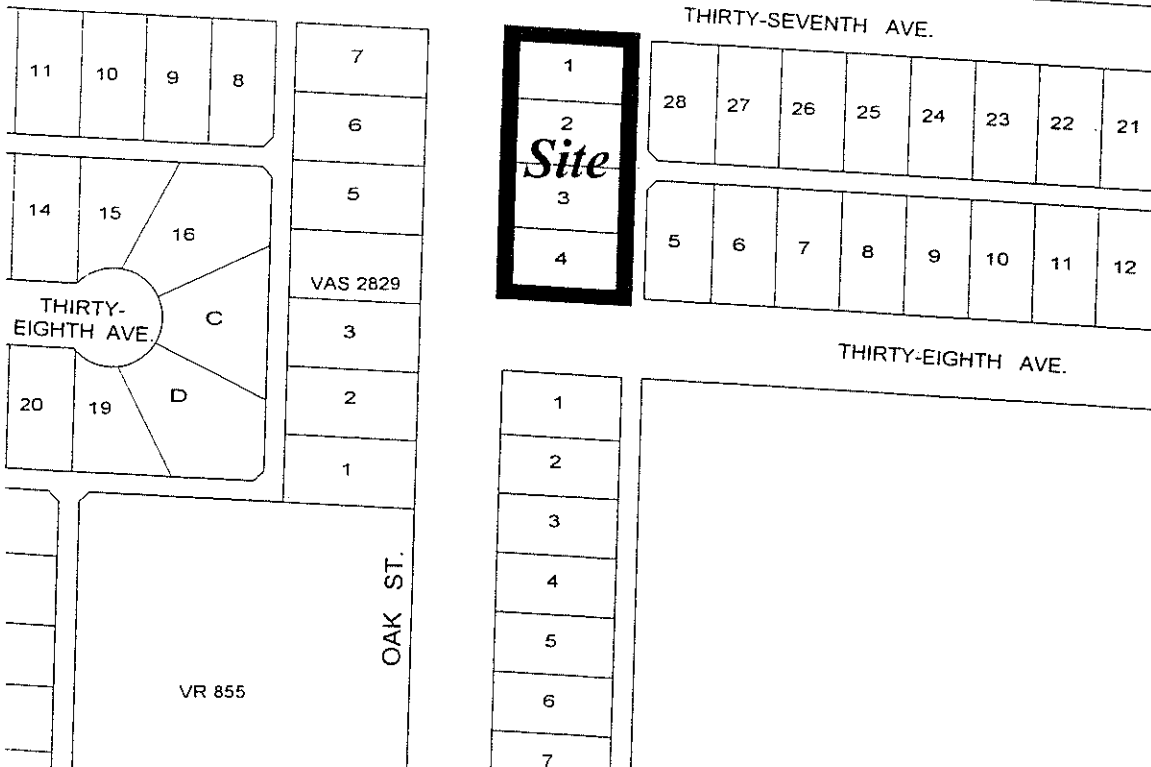
  
\_\_\_\_\_  
City Clerk



By-law No. 8927 being a By-law to amend By-law No. 3575  
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The property outlined in black (  ) is amended:  
 From **RS-1** to **CD-1**

**Z-550**

RZ - 5312 Oak Street

map: 1 of 1  
 scale: 1:2000



**City of Vancouver**

## BY-LAWS

MOVED by Councillor Bass  
SECONDED by Councillor Louie

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 2 to 14 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

2. A By-law to amend Zoning and Development Fee By-law No. 5585 to increase fees (By-law No. 8915)
3. A By-law to amend Building By-law No. 8057 to increase fees (By-law No. 8916)
4. A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 8917)
5. A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 8918)
6. A By-law to amend Private Property Tree By-law No. 7347 to increase fees (By-law No. 8919)
7. A By-law to amend Miscellaneous Fees (Planning) By-law No. 5664 to change the by-law title and increase fees (By-law No. 8920)
8. A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 8921)
9. A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 8922)
10. A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 8923)
11. A By-law to provide for the imposition of interest on delinquent property taxes for 2005 (By-law No. 8924)
12. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (1475 Howe Street) (By-law No. 8925)  
(Councillor Woodsworth and the Mayor excused from voting)
13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (745 - 749 West 42<sup>nd</sup> Avenue and 5816 - 5818 Tisdall Street) (By-law No. 8926)
14. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (5312 - 5392 Oak Street) (By-law No. 8927)

Councillor Louis requested the City Manager to provide information on By-law 1.

MOVED by Councillor Bass  
SECONDED by Councillor Louie

THAT Council enact the by-law listed on the agenda for this meeting as number 1 and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend Noise Control By-law No. 6555 (900 Pacific Boulevard) (By-law No. 8913)



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CITY OF VANCOUVER

SPECIAL COUNCIL MEETING MINUTES

FEBRUARY 24, 2004

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, February 24, 2004, at 7:40 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the Zoning and Development By-law and Official Development Plans, to designate heritage property, and to enter into a Heritage Revitalization Agreement.

**PRESENT:**

Mayor Larry Campbell  
Councillor Fred Bass  
Councillor David Cadman  
Councillor Jim Green  
Councillor Peter Ladner  
Councillor Raymond Louie  
Councillor Tim Louis  
Councillor Anne Roberts  
Councillor Tim Stevenson  
Councillor Sam Sullivan  
Councillor Ellen Woodsworth

**CITY CLERK'S OFFICE:**

Laura Kazakoff, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Roberts  
SECONDED by Councillor Louie

THAT this Council resolve itself into Committee of the Whole, Mayor Campbell in the Chair, to consider proposed amendments to the Zoning and Development By-law and Official Development Plans, to designate heritage property, and to enter into a Heritage Revitalization Agreement.

**CARRIED UNANIMOUSLY**

**1. Heritage Designation: 450 West 2<sup>nd</sup> Avenue**

An application by Bastion Developments was considered as follows:

Summary: Heritage designation of the Nye Building at 450 West 2<sup>nd</sup> Avenue.

The Director of Current Planning recommended approval.

**Staff Comments**

### 3. Rezoning: 5312 - 5392 Oak Street

An application by Formwerks Architectural was considered as follows:

**Summary:** To rezone the site from One-Family Dwelling District (RS-1) to Comprehensive Development District (CD-1) to permit the development of 21 two-storey townhouses.

The Director of Current Planning recommended approval, subject to conditions as set out in the agenda for the Public Hearing.

#### Staff Comments

Alan Duncan, Rezoning Planner, was present to respond to questions.

#### Applicant Comments

Jim Bussey, Formwerks Architectural, was present to respond to questions.

#### Summary of Correspondence

Council received no correspondence on this item since referral to Public Hearing.

#### Speakers

The Mayor called for speakers for and against the application and none were present.

#### Council Decision

MOVED by Councillor Louis

A. THAT the application by Formwerks Architectural to rezone 5312-5392 Oak Street (Lots 1-4, Block 864, DL 526, Plan 8070 New Westminster District) from RS-1 to CD-1, to permit 21 two-storey townhouses at a floor space ratio of 1.0 generally as set out in Appendix A of the Policy report dated December 24, 2003 entitled "CD-1 Rezoning - 5312-5392 Oak Street" be approved, subject to the following conditions:

(a) That the proposed form of development be approved by Council in principle, generally as prepared by Formwerks Architectural and stamped "Received City Planning Department", October 2, 2003, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.

(b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

(i) design development to better articulate the east end facades, noting they are proud of the single family houses on both 37th and 38th Avenues.

(ii) design development to provide a continuous granite stone wall along all frontages.

Note to applicant: Any existing compatible wall sections may be incorporated and upgraded as necessary.

Engineering:

(iii) design development to parkade access and site servicing as required.

Note to applicant: At the development permit stage, the parkade entries will have to be adjusted to ensure adequate access for vehicles and garbage and recycling storage and pick up space will have to provided on site.

CPTED:

(iv) design development to take into consideration the principles of CPTED (Crime Prevention Through Environmental Design) having particular regard to reducing opportunities for:

- theft in the underground;
- break and enter; and
- mischief and vandalism such as graffiti.

Note to applicant: The walls at the parking entrances should be slightly setback to allow vines and trellis on the wall to reduce opportunities for graffiti.

Landscape:

(v) design development to provide a layered planting strip within the inside boulevard (between the sidewalk and the property line) along 37th Avenue, Oak Street and 38th Avenue, as per joint Planning and Engineering policies for "Special City Boulevard Treatment". The planting strip shall be comprised of layered low planting (mature height and width not to exceed 0.9 m x 0.9 m) with a minimum 0.3 m grass or ground cover strip adjacent to the sidewalk.

Note to applicant: All trees 20 cm caliper or greater (proposed to be removed or retained) must be illustrated on the landscape plan with corresponding notations, as should all existing street trees and street utilities, such as lamp posts, hydrants, etc. adjacent to the site. A Certified Arborist assessment of all existing trees 20 cm caliper or greater on site must be provided at the development permit stage. A row of street trees on the front boulevard and a row in the front setback along the Oak Street frontage will be required at the development permit stage.

AGREEMENTS

(c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

(i) Consolidate Lots 1 - 4, Block 864, D.L. 526, Plan 8070 New Westminster District;

(ii) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for provision of:

(1) paving of the lane adjacent to the site (second lane west of Willow Street) from 37th Avenue to 38th Avenue, and

(2) installation of concrete sidewalk and curb ramps on the north side of 38th Avenue from Oak Street to the 2nd lane west of Willow Street, subject to review by the Vancouver Park Board of the retention of the existing trees on 38th Avenue adjacent to the site, noting that the trees are non-standard street trees and are located such that removal may be necessary to provide for a sidewalk; and

(iii) Make arrangements to the satisfaction of the General Manager of Engineering Services for all new Hydro and Telus services to be under-grounded within and adjacent to the site from the closest existing suitable service point, including a review of any necessary overhead cabling to determine any impact, if any, on the neighbourhood.

B. THAT, if the rezoning is approved, at the time of enactment the by-law be accompanied by amendments to the Noise Control By-law to include the CD-1 in Schedule B of the Noise Control By-law.

CARRIED UNANIMOUSLY