

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

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## CD-1 (430)

*755 West 42nd Avenue*

***By-law No. 9086***

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

***Effective July 19, 2005***

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 (432).

**2.2** Subject to approval by Council 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 (432) 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 no more than 15 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 sun decks, 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 10.5 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 rear property line;
- (b) 2.0 m from the east property line;
- (c) 3.0 m from the west property line; and
- (d) 4.0 m from the front property line.

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.]*



RZ - 755-765 W 42nd Avenue

map: 1 of 1  
scale: 1:2000



**City of Vancouver**

date: Jan. 25, 2005

6101

755 West 42<sup>nd</sup> Avenue

**BY-LAW NO. 9086**

**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-564A 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 (430).

2.2 Subject to approval by Council 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 (430) 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 no more than 15 dwelling units; and
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**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
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  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
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**Building height**

4. The building height, measured above base surface, must not exceed 9.2 m, except that the Director of Planning may permit an increase to 10.5 m to allow for a pitched roof form.

**Setback**

5. The setback of a building must be at least:
- (a) 2.3 m from the rear property line;
  - (b) 2.0 m from the east property line;
  - (c) 3.0 m from the west property line; and
  - (d) 4.0 m from the front property line.

**Parking and 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 the lesser of one parking space for each 70 m<sup>2</sup> of gross floor area and 1.6 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

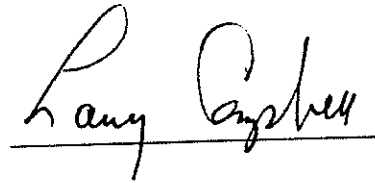
**Severability**


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 19<sup>th</sup> day of July, 2005

  
\_\_\_\_\_  
Mayor

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





- ✓ 10. A By-law to amend Parking By-law No. 6059 (regarding secondary suites) (By-law No. 9078)
- ✓ 11. A By-law to amend Building By-law No. 8057 regarding internal access in secondary suites (By-law No. 9079)
- ✓ 12. A By-law to amend Zoning and Development Fee By-law No. 5585 regarding secondary suites and fees (By-law No. 9080)
- ✓ 13. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (811-821 Cambie Street) (By-law No. 9081)  
(Councillors Louie, Stevenson, Woodsworth and Mayor Campbell excused from voting on By-law No. 13)
- ✓ 14. A By-law to amend Downtown District Official Development Plan By-law No. 4912 (811-821 Cambie Street) (By-law No. 9082)  
(Councillors Louie, Stevenson, Woodsworth and Mayor Campbell excused from voting on By-law No. 14)
- ✓ 15. A By-law to amend Sign By-law No. 6510 (811-821 Cambie Street) (By-law No. 9083)  
(Councillors Louie, Stevenson, Woodsworth and Mayor Campbell excused from voting on By-law No. 15)
- ✓ 16. A By-law to amend CD-1 By-law No. 7230 (re 375 East Pender Street {485 Dunlevy}) (By-law No. 9084)  
(Councillors Green, Louie and Louis excused from voting on By-law No. 16)
- ✓ 17. A By-law to amend CD-1 By-law No. 6962 (re 1630 West 15<sup>th</sup> Avenue {Vancouver Lawn Tennis Club}) (By-law No. 9085)  
(Councillor Cadman excused from voting on By-law No. 17)
- ✓ 18. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (755 West 42<sup>nd</sup> Avenue) (By-law No. 9086)  
(Councillors Louis, Woodsworth and Mayor Campbell excused from voting on By-law No. 18)
19. A By-law to amend License By-law No. 4450 regarding standard hours liquor establishments (By-law No. 9087)
- ✓ 20. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (950 Quebec Street) (By-law No. 9088)  
(Councillors Cadman, Green, Louie and Roberts excused from voting on By-law No. 20)
21. A By-law to amend Development Permit Board and Advisory Panel By-law No. 5869 regarding alternate Board members (By-law No. 9089)
22. A By-law to amend Impounding By-law No. 3519 (By-law No. 9090)

## ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman  
SECONDED by Councillor Louie

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

## BY-LAWS

MOVED by Councillor Louis  
SECONDED by Councillor Stevenson

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 4 to 22 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. New Animal Control By-law - WITHDRAWN
2. A By-law to amend Noise Control By-law No. 6555 to amend the regulation of animal noise - WITHDRAWN
3. A By-law to amend License By-law No. 4450 regarding the use of security, guard, or patrol dogs - WITHDRAWN
4. A By-law to amend Solid Waste and Recycling By-law No. 8417 regarding container identification and fines (By-law No. 9072)
- ✓5. A By-law to adopt the South East False Creek Development Plan as an official development plan (By-law No. 9073)
- ✓6. A By-law to designate certain real property as protected heritage property (re 51 West Hastings Street) (By-law No. 9074)  
(Councillors Bass, Louie and Louis excused from voting on By-law No. 6)
- ✓7. A By-law to amend CD-1 By-law No.'s 7835 and 8893 (By-law No. 9075)  
(Councillors Bass, Louie and Louis excused from voting on By-law No. 7)
- ✓8. A By-law to amend Zoning and Development By-law No. 3575 (regarding secondary suites) (By-law No. 9076)  
(Councillors Bass, Louie and Louis excused from voting on By-law No. 8)
- ✓9. A By-law to amend Zoning and Development By-law No. 3575 (regarding secondary suites mapping) (By-law No. 9077)  
(Councillors Bass, Louie and Louis excused from voting on By-law No. 6)

### 3. REZONING: 755-765 West 42<sup>nd</sup> Avenue

An application by Mosaic Avenue Properties was considered as follows:

**Summary:** The proposed rezoning would permit 15 two-and-a-half-storey townhouses at a floor space ratio of 1.0 with underground parking. The Noise Control would also be amended at time of enactment.

The Director of Current Planning recommended approval, subject to conditions.

#### Staff Comments

Grant Miller, Planning Analyst, Rezoning Centre, was present to respond to questions.

#### Summary of Correspondence

Council received the following correspondence on this application since referral to Public Hearing:

- One information package from Mosaic Avenue Properties.

#### Speakers

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

#### Council Decision

A Council member questioned the limited number of bicycle parking spaces provided and noted the project is on a bike route. The applicant advised large storage spaces would provide ample space for additional secured bicycle parking if there is a need for same.

MOVED by Councillor Cadman

THAT the application by Mosaic Avenue Properties LP to rezone 755-765 West 42nd Avenue (Lots 19 and 20, Block E of Block 1008, DL 526, Plan 10698) from RT-1 to CD-1 to permit 15 two- and a half-storey townhouses at floor space ratio of 1.0 generally as outlined in Appendix A to Policy Report "CD-1 Rezoning: 755-765 West 42nd Avenue" dated January 4, 2005 be approved, subject to the following conditions:

[NOTE: The following conditions have been amended slightly in b(vii) and b (viii) from the version in the referral report]

#### FORM OF DEVELOPMENT

(a) That the proposed form of development be approved by Council in principle, generally as prepared by Hollifield Architects Inc. and stamped "Received City Planning Department, November 12, 2004", 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:

Design Development:

(i) clarification on the drawings, showing more detailed information of the immediate context, accurately describing site relationship to neighbouring sites;

Note to Applicant: Provide details, plan details and sections including existing and proposed grades. Provide a continuous landscape buffer along the side property lines.

(ii) design development to the front and side yard setbacks and adjacent building relationships, responding more sympathetically to existing neighboring site conditions;

Note to Applicant: Proposed building setbacks need to consider neighbouring site conditions. Consider issues of privacy, overlook, shadowing and views to the street and how best the building and landscaping might respond to mitigate impact on neighbours.

(iii) design development to material expression and detailing;

Note to Applicant: Materials should be of high quality, with a thickness to their edge profile and well detailed. Substitute products for example, such as plastic siding or brick veneer is not acceptable. More use of brick is encouraged. Termination of brick needs to be carefully considered and consistently applied. Side elevations should be treated in a manner of equal importance to neighbouring sites.

(iv) design development to enhance the landscaping of the public and semi public realm, as seen from the street and neighbouring properties.

Note to Applicant: The treatment of the street scape extends from the front yard to the street curb. Consider ways to enrich the public realm with landscaping and street furniture.

CPTED (Crime Prevention through Environmental Design):

(v) design development to take into consideration the principles of CPTED, having particular regard to reduce opportunities for;

- theft in the underground and graffiti on blank walls through reconfiguring the garbage and exit area in the northeast corner at the lane such that an alcove is not created and the parking podium should be terraced with planters and coordinated with the adjacent grades.

Note to Applicant: A cut-through path should not be created.

Landscape:

(vi) all existing trees 20cm calliper or greater (proposed to be removed or retained) must be clearly illustrated on the Landscape Plan;

(vii) delete one of the two proposed patios for unit A2 in an effort to reduce the amount of unnecessary paving on site;

(viii) provide layered foundation planting along the front elevation of building "B"

(ix) indicate on the p1 (Parking Level Floor Plan) the location of all trees proposed above, confirming minimum 36" soil depth in order to support healthy growth of trees to intended mature size;

Fire:

(x) all Townhouse Units of Buildings A, B, & C have to be assigned a street address from West 42nd Avenue.

(xi) principal fire department response point must be indicated and the fire alarm monitoring company to use the address of the Townhouse Unit adjacent to the Fire Alarm Annunciator panel. A strobe light connected to FAS to be provided at annunciator panel. A Graphic Site Plan c/w Townhouse addresses and location of underground parkade access must be posted at fire alarm annunciator panel. The location of the fire department sprinkler siamese connection must be at the principal fire department response point facing the street.

(xii) a 1.2 m wide hard surface access pathway must be provided from West 42nd Avenue curb directly to the underground parkade access door.

(xiii) maximum travel distance (via path of travel) to furthest Townhouse Unit from fire vehicle (at fire dept response point) is 45 m (148 ft.).

(xiv) main access pathway(s) to be 2 m (6-7 ft.) in width with individual access paths to units 1.2 m (4 ft.).

(xv) buildings should be sprinklered to NFPA 13R - 1999 and the underground parkade to NFPA 13 - 1999.

#### AGREEMENTS:

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

##### Engineering Services:

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

(1) consolidation of all lots involved

(2) widening of existing utility right of way that runs through the site to 10 ft. in width at grade and 5 ft. wide below grade to provide for future under grounding of utilities within this corridor.

(3) provision of street trees adjacent the site where space permits.

(4) under grounding of all new BC Hydro and Telus services from the closest existing suitable service point, including a review of any cabling that may be necessary to determine any impact on the neighbourhood.

CARRIED UNANIMOUSLY