



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

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 604.873.7060  
[planning@vancouver.ca](mailto:planning@vancouver.ca)

## CD-1 (459)

*6111-6161 Oak Street and 1007 West 46th Avenue*  
**By-law No. 9556**

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

***Effective November 27, 2007***

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 (459).

**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 (459) 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 Dwelling; and
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

## 3 Density

**3.1** The number of dwelling units on the site must not exceed 30.

**3.2** The floor space ratio for all permitted uses must not exceed 1.0.

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

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, 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, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

**3.4** 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, except that the total area of all exclusions must not exceed 8% of the permitted residential floor area;
- (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 are at or below base surface, except that the 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, except that the exclusion must not exceed, in aggregate, 10% of the 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 spaces above base surface exceeds 3.7 m<sup>2</sup> for a 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 is not to apply to walls that existed before March 14, 2000.

4 Building height  
The building height must not exceed 10.7 m measured from base surface.

5 Setbacks  
The setbacks must be at least:

- (a) 4.00 m from each of the north and south side yard property lines;
- (b) 4.00 m from the west rear yard property line; and
- (c) 4.20 m from the east front yard property line.

6 Parking and bicycle spaces  
Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations and exemptions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that:

- (a) there must be at least 0.5 parking space for every dwelling unit that has less than 50 m<sup>2</sup> of gross floor area, and, for every dwelling unit that has 50 m<sup>2</sup> or more of gross floor area, at least 0.6 space for every dwelling unit plus one space for each 200 m<sup>2</sup> of gross floor area, except that there need be no more than 1.5 spaces for every dwelling unit; and
- (b) for sites smaller than 500 m<sup>2</sup> or having a maximum 1.0 floor space ratio, the minimum is to be the lesser of the requirement set out in subsection (a) or one space for every dwelling unit.

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 severs that part from this By-law, and is not to affect the balance of this By-law.

9 *[Section 9 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.]*



**Z-593 (b)**

RZ - 6111-6161 Oak Street & 1007 West 46th Avenue

map: 1 of 1  
scale: NTS



**City of Vancouver**

date: May 2007

KB  
CD-1 Fold

6111 - 6161 Oak Street  
1007 West 46<sup>th</sup> Avenue

**BY-LAW NO. 9556**

**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-593 (b) 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 (459).

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 (459) 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 Dwelling; and
- (b) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

**Density**

3.1 The number of dwelling units on the site must not exceed 30.

3.2 The floor space ratio for all permitted uses must not exceed 1.0.

3.3 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, 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, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.4 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, except that the total area of all exclusions must not exceed 8% of the permitted residential floor area;
- (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 are at or below base surface, except that the 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, except that the exclusion must not exceed, in aggregate, 10% of the 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 spaces above base surface exceeds 3.7 m<sup>2</sup> for a 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 is not to apply to walls that existed before March 14, 2000.

**Building height**

- 4. The building height must not exceed 10.7 m measured from base surface.

## Setbacks

5. The setbacks must be at least:
- (a) 4.00 m from each of the north and south side yard property lines;
  - (b) 4.00 m from the west rear yard property line; and
  - (c) 4.20 m from the east front yard property line.

## Parking and bicycle spaces

6. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations and exemptions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that:

- (a) there must be at least 0.5 parking space for every dwelling unit that has less than 50 m<sup>2</sup> of gross floor area, and, for every dwelling unit that has 50 m<sup>2</sup> or more of gross floor area, at least 0.6 space for every dwelling unit plus one space for each 200 m<sup>2</sup> of gross floor area, except that there need be no more than 1.5 spaces for every dwelling unit; and
- (b) for sites smaller than 500 m<sup>2</sup> or having a maximum 1.0 floor space ratio, the minimum is to be the lesser of the requirement set out in subsection (a) or one space for every dwelling unit.

## 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 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

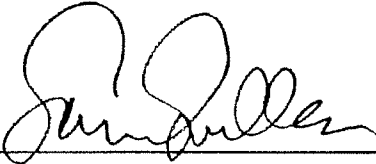
## Severability


8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this 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 27<sup>th</sup> day of November, 2007

  
\_\_\_\_\_  
Mayor

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





Z-593 (b)

RZ - 6111-6161 Oak Street & 1007 West 46th Avenue

map: 1 of 1  
scale: NTS



City of Vancouver

date: May 2007

## **ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Louie  
SECONDED by Councillor Cadman

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

CARRIED UNANIMOUSLY

## **BY-LAWS**

MOVED by Councillor Capri  
SECONDED by Councillor Ball

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 1 to 5 inclusive, 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 (re 1655-1675 West 3<sup>rd</sup> Avenue) (By-law No. 9553)**
2. **A By-law to authorize Council entering into a Heritage Revitalization Agreement with the Owner of Heritage Property (399 Smithe Street) (By-law No. 9554)**
3. **A By-law to designate certain real property as protected heritage property (re 399 Smithe Street) (By-law No. 9555)**
4. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 6111-6161 Oak Street and 1007 West 46<sup>th</sup> Avenue) (By-law No. 9556) (Councillors Ball and Stevenson ineligible to vote on By-law 4)**
5. **A By-law to amend Subdivision By-law No. 5208 (re 6111-6161 Oak Street and 1007 West 46<sup>th</sup> Avenue) (By-law No. 9557)**

### **3. CD-1 REZONING: 6111-6161 Oak Street & 1007 West 46<sup>th</sup> Avenue**

An application by Craig Rowland, Listraor Development Corporation was considered as follows:

Summary: To rezone this site from RS-1 (Residential One-Family) to CD-1 (Comprehensive Development District) to permit the construction of 30 townhouses at 2 and 2½ storeys with underground parking and a total floor space ratio of 1.0 FSR.

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

#### **Staff Opening Comments**

Desiree Drewitt, Rezoning Centre, provided an overview of the application.

#### **Applicant Comments**

Craig Rowland, Listraor Development Corporation, 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.

Joseph Lau, area resident, expressed concern with the density being proposed for this area of the City.

#### **Council Decision**

MOVED by Councillor Anton

- A. THAT the application by Listraor Development Corporation, to rezone 6111-6161 Oak Street and 1007 West 46th Avenue (Lots 12-15 of Lot 16, Block 10, DL 526, Plan 7908) from RS-1 to CD-1, to permit Multiple Dwelling use consisting of 30 townhouses at a floor space ratio of 1.0, generally as presented in Appendix A to Policy Report "CD-1 Rezoning - 6111-6161 Oak Street and 1007 West 46th Avenue" dated April 17, 2007, be approved, subject to the following conditions:

## FORM OF DEVELOPMENT

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Formwerks Architectural Inc., Architect, and stamped "Received City Planning Department", January 15, 2007 and March 1, 2007, 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:

- (iii) Design development to setback the retaining walls a minimum of 1'-0" from the property lines along Oak Street, West 45th and West 46th Avenues, with appropriate planted landscaping within this setback.
- (iv) Design development to achieve a maximum height of 3'-0" (measured from bottom to top of wall) for all retaining walls that directly face the public realm.
- (v) Design development to address all changes in grade between the public sidewalk and the front yards of dwelling units with alternating flat terraces and retaining walls.

Note to Applicant: The proposed berms are excessively steep and will inhibit proper maintenance for the planted landscaping. Furthermore, flat terraces will ensure soil retention during heavy rainfall.

- (vi) Material treatment of all retaining walls facing the public realm with stacked masonry of either quarried stone or true brick.

Note to Applicant: Considering that these retaining walls will face the street and sidewalk for the entire site length and width, the proposed poured concrete finish would be visually monotonous.

- (vii) Material treatment of all exterior stairs accessed from the public realm to be in true brick or smooth-finished concrete.
- (viii) Design development to improve dwelling unit identity through minor variations in architectural detailing.

Note to Applicant: Provide small differences in detailing at entries, porches, etc. that distinguish and define dwelling unit individuality.

- (ix) Design development to the semi-private courtyard, creating areas of

special interest and focus, providing more variety and opportunities for social interaction.

**Landscape:**

- (x) Design development to provide a soft landscaped edge bordering Oak Street.

Note to Applicant: Planter walls should be kept to a minimum height and softened with plantings.

- (xi) Design development to ensure adequate planting depth for courtyard trees while maintaining a maximum height of 6 in. for raised planter walls.

Note to Applicant: Drop the slab wherever possible to provide tree planting depressions in the slab rather than relying on raised planters to hold soil.

- (xii) Provide a legal survey illustrating the following information:

- existing trees 20 cm calliper or greater on the development site; and
- the public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.

- (xiii) Provide at the development permit stage a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities, paving, walls, fences, and other landscape elements including site grading. The Landscape Plan should include notation to confirm all existing trees to be removed and an outline of the proposed underground parking garage.

- (xiv) Provide section details at a minimum scale of ¼"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences/gates, arbours and trellises, posts and walls, and water feature. Planter section details should confirm depth of proposed planting on structures.

- (xv) Provide notation on the Landscape Plan to read:

- for new street tree planting: "Final species, quantity and spacing to the approval of the General Manager of Engineering Services and Park Board. Contact Eileen Curran, ph: 604.871.6131, Engineering Services, about street tree spacing and quantity. Contact Bill Stephen, ph: 604.257.8587, Park Board, about tree species".
- for City tree removal: "City tree removal with permission of the General Manager of Engineering Services".

**CPTED (Crime Prevention through Environmental Design):**

- (xvi) Design development to take into consideration the principles of CPTED having particular regard for reducing opportunities for graffiti on the stair walls on Oak Street; theft in the underground; and residential break and enter.

**AGREEMENTS**

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:
  - a. Provide to the Director of Legal Services a title charge summary in accordance with her specifications.
  - b. Make arrangements to the satisfaction of the General Manager of Engineering Services and Director of Legal Services for the following:
    - i. Consolidation of Lots 12 to 15 of Lot 16, Block 10, DL 526, Plan 7908.
    - ii. Provision of concrete sidewalks on West 45th and 46th Avenues adjacent to the site.
    - iii. Provision of standard concrete lane entries at both ends of the lane adjacent to the site.
    - iv. Provision of speed humps in the lane west of Oak Street from West 45th to 46th Avenues.
    - v. Provision of street trees adjacent to the site where space permits.
    - vi. Undergrounding of all new utility services from the closest existing suitable service point. All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground/overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged.
- B. THAT, the consequential amendment to the Subdivision By-law generally as presented in Appendix B to Policy Report "CD-1 Rezoning - 6111-6161 Oak Street and 1007 West 46th Avenue" dated April 17, 2007, be approved.

CARRIED UNANIMOUSLY

## MOTIONS

### A. Administrative Motions

1. **Form of Development: 6111-6161 Oak Street and 1007 West 46<sup>th</sup> Avenue (VanRIMS No. 11-3600-10)**

MOVED by Councillor Capri  
SECONDED by Councillor Lee

THAT the form of development for the CD-1 zoned site known as 6111 - 6161 Oak Street and 1007 West 46th Avenue be approved generally as illustrated in Development Application No. 411456 prepared by Formwerks Architectural Inc., Architect, and stamped "Received, City of Vancouver Planning Department, January 15, 2007 and March 1, 2007" provided that the Director of Planning may approve design changes which would not adversely affect either the development character and livability of this site or adjacent properties.

CARRIED UNANIMOUSLY

2. **Establishing Road at the west side of Knight Street at 49<sup>th</sup> Avenue, adjacent to 6483 Knight Street, for a widening strip for the installation of left turn bays on Knight Street at 49<sup>th</sup> Avenue (VanRIMS No. 13-2000-40)**

MOVED by Councillor Anton  
SECONDED by Councillor Lee

#### WHEREAS:

- A. The City of Vancouver requires:

a portion of Parcel Identifier: 010-229-230, Lot 17, Block 3, District Lot 730, Group 1, New Westminster District, Plan 8155, shown heavily outlined on plan of survey completed June 26, 2007, attested to by Fred L. Wong, B.C.L.S. and marginally numbered LD4612;

(the "Lands") for the altering of a linear development, namely the widening of Knight Street to construct left turn bays at 49<sup>th</sup> Avenue;

- B. The *Vancouver Charter* provides that if, in the exercise of any of its powers of acquiring real property, the City fails to come to an agreement with its owner as to the terms of acquisition, the City may, by by-law or resolution of its Council, expropriate such real property;
- C. The *Expropriation Act*, R.S.B.C. 1996, C.125, provides that an "expropriating authority" means a person empowered under an enactment to expropriate land;