



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

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## CD-1 (463)

### *4887 Cambie Street*

### *By-law No. 9596*

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

***Effective February 12, 2008***

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 (463).

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

- (a) One principal One-Family Dwelling on each of the three parcels that are to comprise the site;
- (b) One Accessory Building consisting of a garage and, on the second floor, a dwelling unit as an accessory use, on each of the three parcels that are to comprise the site; and
- (c) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

## 3 Density

**3.1** Computation of floor area must assume that the site consists of 926.5 m<sup>2</sup>, 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 on the site must not exceed six.

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

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

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (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; and
- (c) where the distance from a floor to the floor above or, where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.

**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 if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, those floors or portions thereof not exceeding 7.3 m in length so used which are in an accessory building located within 7.9 m of the ultimate rear property line;
- (d) 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;
- (e) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (f) covered porches if:
  - (i) they face a street or a rear property line and are at the level of the basement or first storey,
  - (ii) that portion facing the street or rear property line is open or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the excluded area does not exceed 5% of the permitted floor area, and
- (iv) the ceiling height, including roof structures, of the excluded area does not exceed 3.1 m measured from the porch floor; 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.

4 Building height

- 4.1 The building height for each one-family dwelling must not exceed 9.2 m or 2 ½ storeys measured from base surface.
- 4.2 The building height for each accessory building must not exceed 7.6 m measured from base surface.
- 4.3 Despite section 4.1, the walls of each one-family dwelling and accessory building that are adjacent to the interior parcel lines may project as vertical parapets 0.6 m above the maximum permitted height.

5 Setbacks

The setback of each one-family dwelling must be at least:

- (a) 1.8 m from the north and south property lines;
- (b) 16.5 m from the west property line;
- (c) 4.3 m from the east property line;
- (d) 13 mm from each interior parcel 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 there must be at least one parking space for each dwelling unit.

7 Acoustics

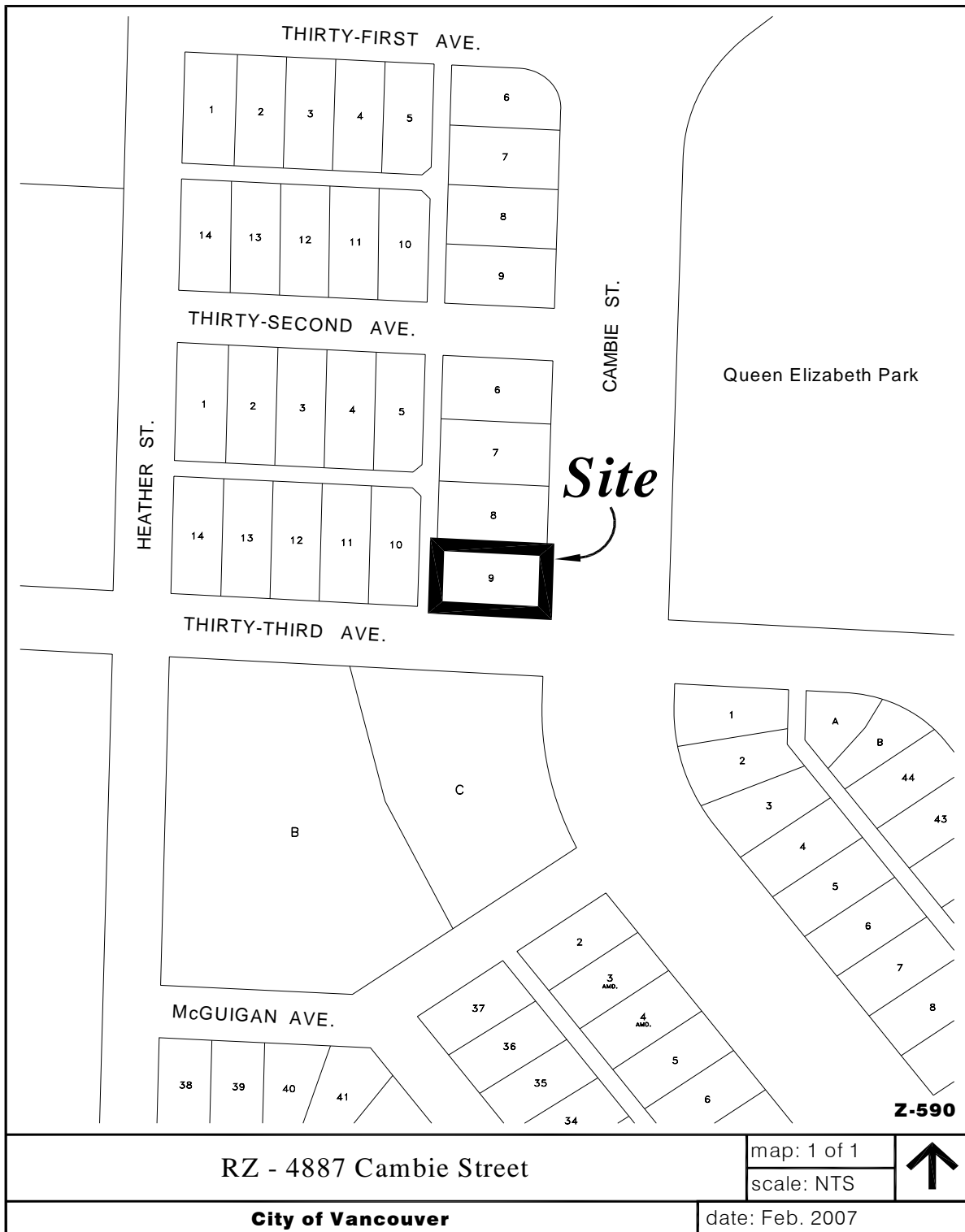
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level 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.]*



4887 Cambie Street

**BY-LAW NO. 9596**

**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-590 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 (463).

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

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- (b) One Accessory Building consisting of a garage and, on the second floor, a dwelling unit as an accessory use, on each of the three parcels that are to comprise the site; and
- (c) Accessory Uses customarily ancillary to any of the uses listed in this section 2.2.

**Density**

3.1 Computation of floor area must assume that the site consists of 926.5 m<sup>2</sup>, 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 on the site must not exceed six.

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

3.4 Computation of floor space ratio must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building;
- (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; and
- (c) where the distance from a floor to the floor above or, where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height.

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- (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, those floors or portions thereof not exceeding 7.3 m in length so used which are in an accessory building located within 7.9 m of the ultimate rear property line;
- (d) 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;
- (e) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (f) covered porches if:
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  - (ii) that portion facing the street or rear property line is open or protected by guard rails, the height of which must not exceed the minimum specified in the Building By-law,

- (iii) the excluded area does not exceed 5% of the permitted floor area, and
- (iv) the ceiling height, including roof structures, of the excluded area does not exceed 3.1 m measured from the porch floor; 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.

### **Building height**

4.1 The building height for each one-family dwelling must not exceed 9.2 m or 2 ½ storeys measured from base surface.

4.2 The building height for each accessory building must not exceed 7.6 m measured from base surface.

4.3 Despite section 4.1, the walls of each one-family dwelling and accessory building that are adjacent to the interior parcel lines may project as vertical parapets 0.6 m above the maximum permitted height.

### **Setbacks**

5. The setback of each one-family dwelling must be at least:

- (a) 1.8 m from the north and south property lines;
- (b) 16.5 m from the west property line;
- (c) 4.3 m from the east property line;
- (d) 13 mm from each interior parcel 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 there must be at least one parking space for each 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 12<sup>th</sup> day of February, 2008

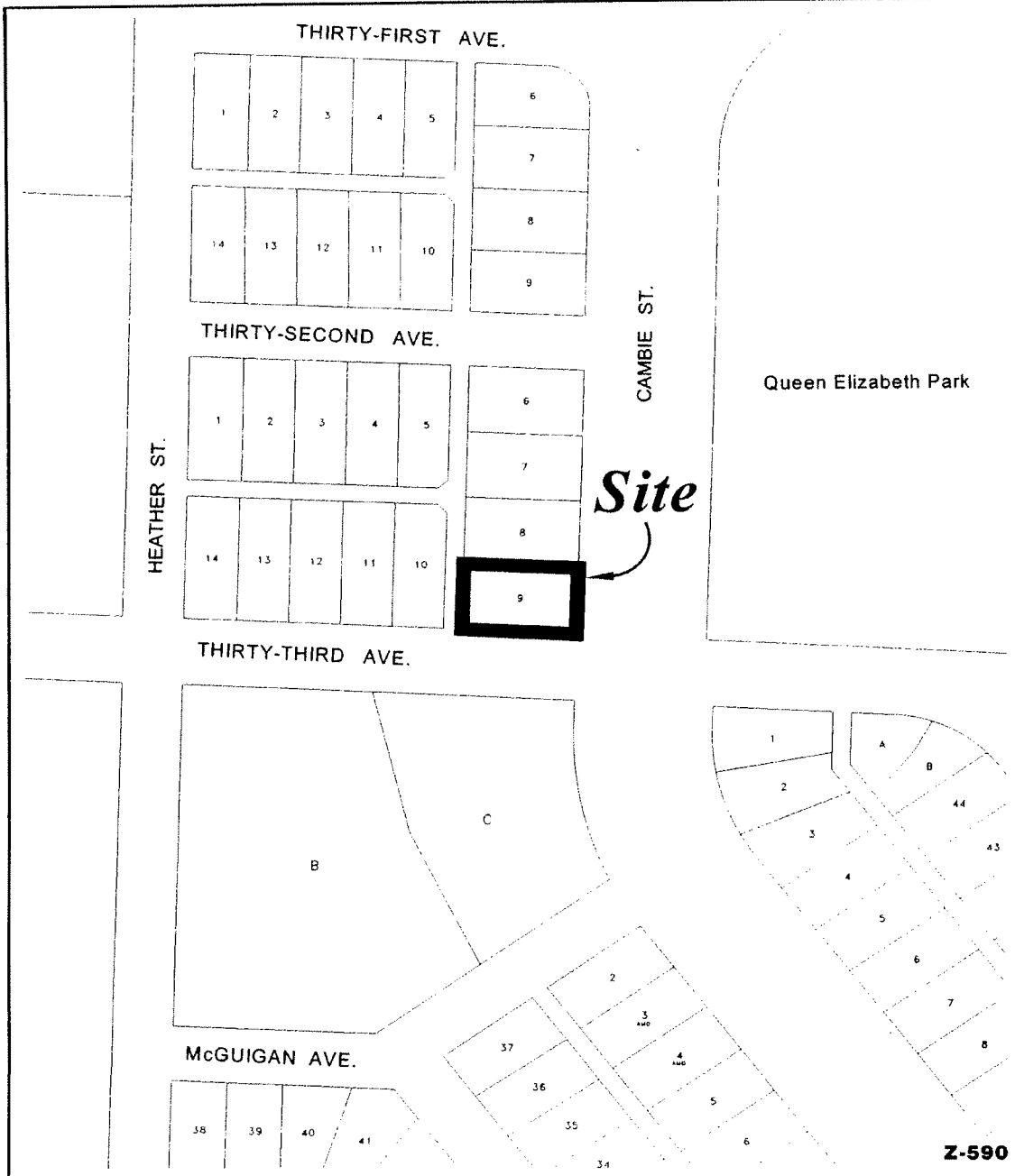


Mayor



City Clerk





RZ - 4887 Cambie Street

map: 1 of 1

scale: NTS



City of Vancouver

date: Feb. 2007

**BY-LAWS**

MOVED by Councillor Chow  
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 1 to 4 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 102-160 West 1<sup>st</sup> Avenue [now known as 140 West 1<sup>st</sup> Avenue]) (By-law No. 9594)**
2. **A By-law to amend Sign By-law No. 6510 (re 102-160 West 1<sup>st</sup> Avenue [now known as 140 West 1<sup>st</sup> Avenue]) (By-law No. 9595)**
3. **A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (re 4887 Cambie Street) (By-law No. 9596)**  
(Councillor Chow ineligible to vote on By-law No. 3)
4. **A By-law to amend Subdivision By-law No. 5208 (re 4887 Cambie Street) (By-law No. 9597)**

- to reduce the minimum rear yard depth for the infill dwelling only from 10.7 m (35.1 ft.) to 0.61 m (2 ft.);
- to permit building depth to be increased from required 40% of site depth (17.7 m or 58 ft.) to a site depth of 32.9 m (108 ft.);
- to increase the maximum height of the fence in the front yard from 1.2 m (3.9 ft.) to 2.23 m (7.3 ft.);
- to increase the maximum height of the fence in the east side yard between the entrance front roof line of infill to rear of property from 1.9 m (6.2 ft.) to 3.05 m (10 ft.);
- to increase the maximum height of the fence in the rear yard from 1.9 m (6.2 ft.) to 2.74 m (9 ft.); and,
- to address existing non-conforming ancillary building (double garage) and front yard and west side yard set back of the existing house.

as described in detail in the Administrative Report dated February 27, 2007, entitled "Heritage Designation and Heritage Revitalization Agreement - 1529 West 33<sup>rd</sup> Avenue" and as indicated under Development Application DE410501.

- B. THAT the house at 1529 West 33rd Avenue, the Crosby House, listed in the "B" category on the Vancouver Heritage Register, be designated as Protected Heritage Property.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment a by-law to authorize the Heritage Revitalization Agreement and by-law to designate the heritage building as Protected Heritage Property.
- D. THAT Council instruct the Director of Legal Services to prepare a side agreement to ensure that neither the heritage house nor the infill dwelling may be converted to accommodate a secondary suite. The nature of this agreement is to be to the satisfaction of the Director of Legal Services in consultation with the Director of Current Planning.

CARRIED UNANIMOUSLY

### **3. Rezoning: 4887 Cambie Street**

An application by Art Cowie, Eikos Planning Inc., was considered as follows:

Summary: To rezone the site from RS-1 (single family residential) to CD-1 (Comprehensive Development) to permit a three-unit freehold tenure rowhouse development, each parcel to include an additional secondary dwelling unit located on top of the garage at the rear.

The Director of Planning, in consultation with the Subdivision Approving Officer, the Director of the Housing Centre and the Director of Real Estate, recommended approval subject to the conditions set out in the Agenda package for the Public Hearing.

### **Staff Opening Comments**

Joanne Baxter, Rezoning Planner, provided an overview of the application, and noted this proposed rezoning provides an opportunity to provide more land efficient housing, in proximity to shopping, and is an alternative to single-family housing.

### **Applicant Comments**

Art Cowie, Eikos Planning Inc., noted this type of freehold rowhouse housing, while a new concept for Vancouver, already exists in well-planned cities around the world. He further noted the collaborative effort of this project, as design improvements suggested by staff were incorporated into the final proposal. Mr. Cowie advised the project was largely supported by the neighbourhood at an Open House.

Thomas Frauenberger, Design Professional, in response to questions, noted measures which will be looked at in their efforts to achieve a LEED Silver rating, such as solar panels, geothermal heating, access to transit, low flow water and water capture.

### **Summary of Correspondence**

One letter was received in support of the application since it was referred to Public Hearing.

### **Speakers**

The Mayor called for speakers for and against the application.

Jeff Loughheed noted that while he was in support of rowhousing such as this project, he felt the project could go further and achieve a higher density. He noted the City should encourage greater densification and higher floor space ratios around major arterial streets.

### **Staff Closing Comments**

Ms. Baxter, along with Brent Toderian, Director of Planning, responded to questions concerning the proposed "party walls"; e.g. how close they were to resolving legal issues and whether a successful outcome will have broader implications outside the City of Vancouver.

### **Council Decision**

MOVED by Councillor Anton

- A. THAT the application by Art Cowie, Eikos Planning Inc. to rezone 4887 Cambie Street (Lot 9, Block 819, D.L. 526, Plan 7221) from RS-1 to CD-1, generally as represented in Appendix A to Policy Report "CD-1 Rezoning - 4887 Cambie Street" dated February 8, 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 Eikos Planning Inc. and stamped "Received Planning Department (Rezoning Centre) June 20, 2006", 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

#### General

- (i) design development to reduce the height of the building to a maximum height of 9.2 m (30.18 ft.);

#### Grade Transition

- (ii) design development to improve the grade transition at the street and interior property lines;

**(Note to Applicant:** The alteration of existing grade should be minimized at the property line by reducing the height of retaining walls as much as possible, to enable a more open and softer edge condition at the property line. Retaining walls, where required, should be stepped or terraced, not exceeding 2½ feet in height. Provide detailed grade information on the drawings indicating existing and proposed grades.)

#### Neighbourliness

- (iii) design development to improve privacy between neighbours, reducing overlook between the proposal and the northerly property;

**(Note to Applicant:** This can be achieved by the following:

- increase the front yard setback of the northerly principal dwelling unit by approximately 4 feet;
- reduce the number and area of clear glazed windows facing the interior side yard and orient windows away from the interior side yard, where possible, by stepping of the building massing and through bay projections;
- modify the roof deck so it is further away from the interior side yard and provide landscape screening; and
- provide additional landscaping at the interior side yard.)

### Liveability

- (iv) design development to improve liveability by increasing daylight access and reducing shadowing on adjacent dwelling units;

**(Note to Applicant:** This can be achieved by the following:

- provide windows on the east wall of the secondary dwelling units while maintaining privacy with the principal dwelling units;
- enlarge the clerestory windows of the secondary dwelling units;
- enlarge and/or add more windows on the West 33<sup>rd</sup> Avenue facades;
- reduce the depth of the deeply recessed windows, second floor, principal dwelling units; and
- diminish the extent of projecting party walls at the roof deck level, utilizing lighter and lower in height screening and/or additional landscaping to meet privacy needs.)

- (v) design development to improve liveability, by increasing the amount of accessible open space for all dwelling units;

**(Note to Applicant:** This can be achieved by the following:

- increase the separation between the principal and secondary dwelling units by approximately 4 feet. [Note: This will likely necessitate a reduction in building depth of the principal dwelling]; and
- reduce the size of the rear deck to enable a more gradual transition to grade and a larger lawn area.)

### Architectural Expression

- (vi) design development to refine architectural expression and detailing:

**(Note to Applicant:** This can be achieved by the following:

- reduce the thickness and visual prominence of the exposed party walls;
- lightening and simplifying detail elements; and
- incorporate a lighter and warmer, brick colour.)

### Fire Access and Entry Identification

- (vii) confirmation on proposed addressing and fire access through the site, providing gated access through the rear yards and clearly identifying points of access and entry into all dwelling units;

**(Note to Applicant:** All three rear units facing the lane must have addresses posted in the lane. A graphic must be provided along Cambie Street to clearly indicate the location and address of all six units.)

- (viii) make suitable arrangements, to the satisfaction of the Chief Building Official and the Director of Legal Services, to provide an unobstructed path of travel

from the street to the main entry of the centre rear unit for Fire Department access purposes;

(Note to Applicant: Should fences be provided along the path of travel, unlocked gates must be provided to ensure unobstructed access).

#### Subdivision

- (ix) approval by the Subdivision Approving Officer and registration of a subdivision plan to create three parcels to fit the rowhouse proposal unless, at the sole discretion of the Approving Officer, registration of the plan would best be deferred until construction has sufficiently progressed on the party walls;

#### Acoustics

- (x) submission of an acoustical consultant's report which assesses noise impacts on the site and recommends noise mitigating measures;

#### Landscape

- (xi) design development to provide a visual amenity to the street by realigning the walkway south off the southernmost infill, so that it exits to the flanking street, instead of the lane. The side yard south of the infill should be planted with a mixture of deciduous and evergreen shrubs;
- (xii) provide one additional Magnolia Tree in the rear yard in order to provide screening of the main buildings. The Magnolia could be placed next to the north unit, in the planter where three smaller Maples are proposed;
- (xiii) provide at the time of complete development permit application a full Landscape Plan. The Landscape Plan should illustrate plant materials (with common and botanical names, plant sizes and quantities), paving, walls, fences, light fixtures, site grading and other landscape features. Plant material should be listed in a Plant List that is clearly keyed to the Landscape Plan. The Landscape Plan should be a minimum 1:100 or 1/8" scale;
- (xiv) provide at the time of full development permit application large scale sections (1/4" = 1' or 1:50) illustrating the rear yard planters, retaining walls and proposed and existing grades. The section should run east to west; and

#### Crime Prevention through Environmental Design (CPTED)

- (xv) design development to take into consideration the principles of CPTED.

AGREEMENTS

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall:
- (i) achieve preliminary approval from the Subdivision Approving Officer for a subdivision to create three parcels to fit the rowhouse proposal, noting that a condition of final subdivision approval will be a party wall agreement to the satisfaction of the Director of Legal Services;
  - (ii) make arrangements, to the satisfaction of the Director of Legal Services, for an agreement committing the proposed development to be governed by a party wall agreement drawn to the satisfaction of the Director of Legal Services and the City Manager;
  - (iii) make arrangements to the satisfaction of the Director of Legal Services, in consultation with the Director of Planning, to prohibit strata titling of the small rear secondary dwelling unit from the principal dwelling; and
  - (iv) make arrangements, to the satisfaction of the General Manager of Engineering Services for the 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.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owner, but also as Covenants pursuant to Section 219 of the Land Title Act.

Such agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site, as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, letters of credit and withholding of permits, as deemed necessary and in a form satisfactory to the Director of Legal Services.

The timing of all required payments shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult with other city officials and City Council.

- B. THAT, enactment of the CD-1 Zoning By-law be subject to the City Manager and the Director of Legal Services approving the party wall agreement required for the



freehold tenure rowhouses, failing which subdivision to create three separate legal parcels to occur by an alternative mechanism.

- C. THAT, the Subdivision By-law be amended as set out in Appendix B to Policy Report "CD-1 Rezoning - 4887 Cambie Street" dated February 8, 2007; and

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the Zoning By-law.

CARRIED UNANIMOUSLY

**RISE FROM COMMITTEE OF THE WHOLE**

MOVED by Councillor Ladner

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson

SECONDED by Councillor Anton

THAT the report of the Committee of the Whole be adopted, and the Director of Legal Services be instructed to prepare and bring forward the necessary by-law amendments.

CARRIED UNANIMOUSLY

The Special Council adjourned at 8:11 p.m.

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**CITY OF VANCOUVER**  
**SPECIAL COUNCIL MEETING MINUTES**

**MARCH 13, 2007**

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, March 13, 2007, at 7:30 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 and Heritage By-Laws.

**PRESENT:**

Mayor Sam Sullivan  
Councillor Suzanne Anton  
Councillor Elizabeth Ball  
Councillor David Cadman  
Councillor Kim Capri  
Councillor Heather Deal  
Councillor Peter Ladner  
Councillor B.C. Lee  
Councillor Raymond Louie  
Councillor Tim Stevenson

**ABSENT:**

Councillor George Chow

**CITY CLERK'S OFFICE:**

Laura Kazakoff, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Ball

SECONDED by Councillor Stevenson

THAT this Council resolve itself into Committee of the Whole, Mayor Sullivan in the Chair, to consider proposed amendments to the Zoning and Development and Heritage By-laws.

**CARRIED UNANIMOUSLY**

1. Rezoning: Olympic Village (Southeast False Creek)

**WITHDRAWN FROM THIS AGENDA**