



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

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## **CD-1 (496)**

*2250 Commercial Drive*

*By-law No. 10260*

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

***Effective May 17, 2011***

## **1 Zoning District Plan amendment**

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-621 (b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

## **2 Uses**

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (496).
- 2.2 Subject to Council approval 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 (496) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Cultural and Recreational Uses, limited to:
    - (i) Artist Studio, except that:
      - A. where an Artist Studio is combined with a residential unit, the studio may only be used by the individuals residing in the residential unit associated with and forming an integral part of the Artist Studio, and
      - B. the maximum size for an Artist Studio shall be 500 m<sup>2</sup>, and
    - (ii) Billiard Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall or Library;
  - (b) Dwelling Uses, limited to:
    - (i) Dwelling Uses in conjunction with any of the uses listed in this By-law except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for any residential purpose except as entrances to the residential portion,
    - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit in conjunction with any of the uses listed in this By-law, except that no portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width, shall be used for any residential purpose except as entrances to the residential portion,
    - (iii) Residential Unit associated with and forming an integral part of an Artist Studio, except that no more than 2 persons may occupy the residential unit associated with an Artist Studio, but the Director of Planning may relax this occupancy limit for the residential unit associated with an artist studio, if:
      - A. a ventilated workshop space is provided in a room separated from the residential unit, and
      - B. the Director of Planning considers the submission of any advisory group, property owner or tenant and all applicable policies and guidelines adopted by Council;
    - (iv) Seniors Supportive or Assisted Housing, except that, before issuing a Development Permit for those uses, the Director of Planning must
      - A. determine that the landscaping and open space provision is appropriate for the size and nature of the development,
      - B. consider the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood,

- C. notify adjacent property owners and any others that he deems necessary,
  - D. consider all applicable policies and guidelines adopted by Council,
  - E. in the case of a specifically designed facility, which is not a conversion, establish the minimum site area, having regard to the type of service and number of residents in the proposed facility, and the character of development within the adjacent neighbourhood, and
  - F. in the case of a conversion of an existing building, determine that the building is suitable for conversion, having regard to the size of the site and building, open space on the site, and the proximity of adjacent buildings;
- (c) Institutional Uses, limited to:
- (i) Child Day Care Facility, Church, Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre, and
  - (ii) Community Care Facility – Class B or Group Residence, except that, before issuing a Development Permit for those uses, the Director of Planning must:
    - A. determine that the landscaping and open space provision is appropriate for the size and nature of the development,
    - B. consider the effect of the design of all buildings and the provision and location of off-street parking and loading on the amenity of the neighbourhood,
    - C. notify adjacent property owners and any others that he deems necessary,
    - D. consider all applicable policies and guidelines adopted by Council,
    - E. in the case of a specifically designed facility, which is not a conversion, establish the minimum site area, having regard to the type of service and number of residents in the proposed facility, and the character of development within the adjacent neighbourhood, and
    - F. in the case of a conversion of an existing building, determine that the building is suitable for conversion, having regard to the size of the site and building, open space on the site, and the proximity of adjacent buildings;
- (d) Office Uses;
- (e) Retail Uses, limited to:
- (i) Grocery or Drug Store, Retail Store, Furniture or Appliance Store, Liquor Store, Secondhand Store, and
  - (ii) Small-scale Pharmacy, except that:
    - A. a Small-scale Pharmacy must include at least 25 m<sup>2</sup> of publicly accessible space, except that if the Director of Planning first considers all applicable guidelines and policies adopted by Council and potential impacts on the site and the surrounding properties, the Director of Planning may allow a lesser amount of space, and
    - B. any development permit for a Small-scale Pharmacy must be limited in time to two years from the date of issuance;

- (f) Service uses, limited to Animal Clinic, Auction Hall, Catering Establishment, Neighbourhood Public House, Print Shop, Restaurant - Class 1, School - Arts or Self Improvement, School – Business, School - Vocational or Trade, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop - Class B; and
- (g) Accessory Use customarily ancillary to any use permitted by this section 2.2.

### **3 Conditions of use**

- 3.1 All commercial uses permitted by this By-law shall be carried on wholly within a completely enclosed building except for:
  - (a) Restaurant – Class 1;
  - (b) Neighbourhood Public House; and
  - (c) Display of plants, flowers, fruit and vegetables in conjunction with a permitted use.
- 3.2 No general office, except for entrances thereto, shall be located within a depth of 10.7 m of the front wall of the building and extending across its full width on that portion of a storey having an elevation within 2.0 m of street grade on the fronting street, except for an insurance, travel agency or real estate office. In the case of a site abutting more than one street, the fronting street is to be determined by the Director of Planning.

### **4 Floor area and density**

- 4.1 Computation of floor space ratio must assume that the site consists of 1 814.34 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.
- 4.2 The floor space ratio for all uses combined must not exceed 3.0, except that the floor space ratio for Office Uses must not exceed 1.20.
- 4.3 Computation of floor space ratio must include all floors having a minimum ceiling height of 1.2 m, both above and below ground level, measured to the extreme outer limits of the building.
- 4.4 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 such exclusions must not exceed 8% of the residential floor area;
  - (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
  - (c) where floors or portions of 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 the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
  - (d) 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> for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
  - (e) 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 in existence before March 14, 2000; and

- (f) with respect to exterior:
  - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
  - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),

the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in subsection (ii) meets the standards set out therein.

4.5 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board, enclosed residential balconies if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure, except that:

- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided; and
- (b) enclosure of the excluded balcony floor area must not exceed 50%.

4.6 The use of floor space excluded under section 4.4 or 4.5 must not include any purpose other than that which justified the exclusion.

## **5 Building height**

5.1 The building height, measured above base surface calculated from the official established building grades, and to the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed 19.2 m.

5.2 Section 10.11 of the Zoning and Development By-law is to apply, except that despite section 10.11 and section 5.1 of this By-law, the Director of Planning or Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for a mechanical penthouse, solar panels for energy collection, trellises, and other garden structures which support the use of intensive green roofs or urban agriculture.

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

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

- (a) a minimum of one parking space for each 100 m<sup>2</sup> of gross floor area up to a maximum of 1.25 spaces for each dwelling unit;
- (b) a minimum of 0.1 visitor parking spaces for each dwelling unit up to a maximum of 0.2 spaces for each dwelling unit; and
- (c) a minimum of 0.03 car sharing spaces 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 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

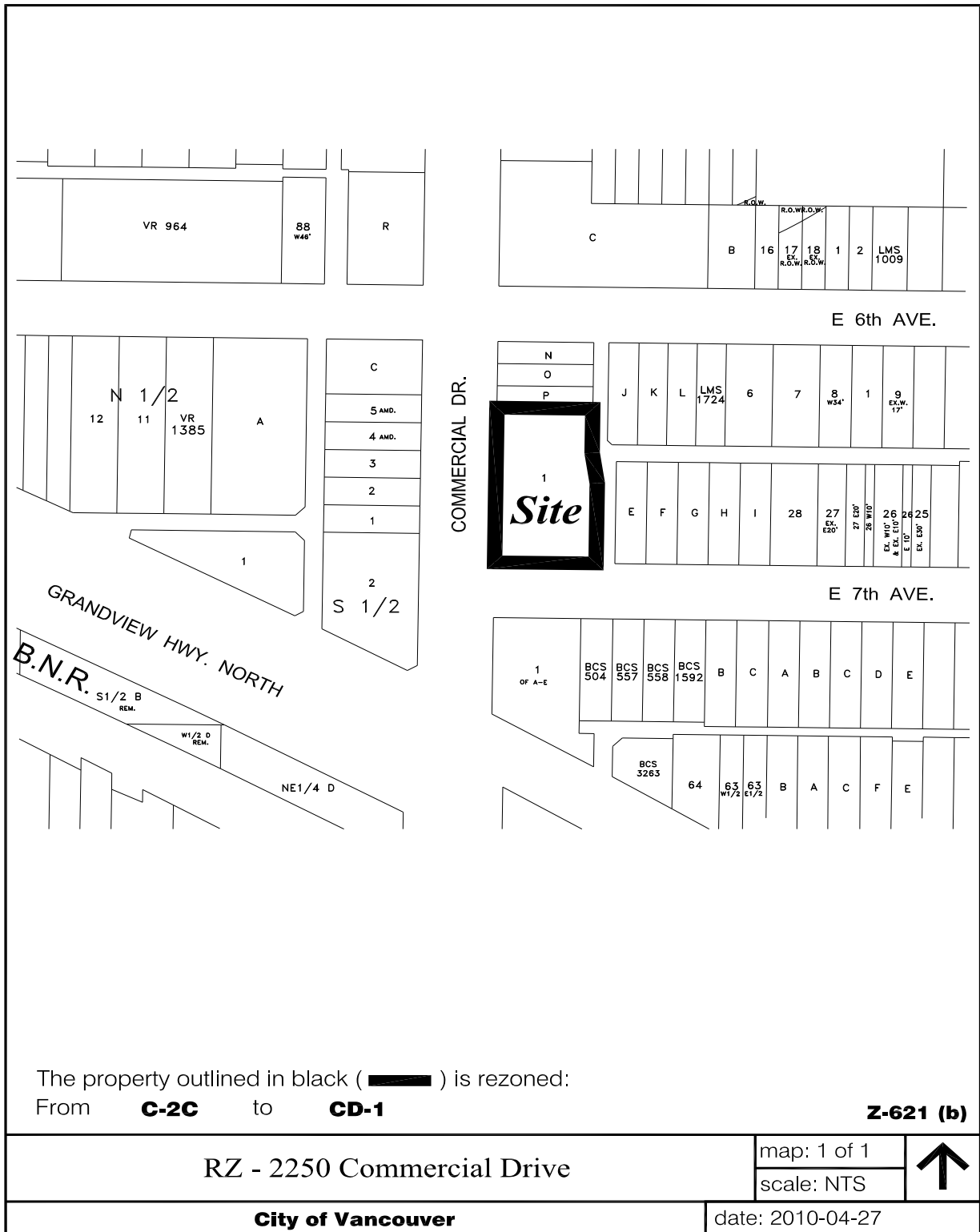
**8 Severability**

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 Force and effect**

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

ENACTED by Council this 17th day of May, 2011.



# Backup Notes

**By-law No. 10260, dated May 17, 2011**



SPECIAL COUNCIL MEETING MINUTES

MAY 18 AND 20, 2010

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 18, 2010, at 7:30 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to the zoning, official development plan, sign and heritage by-laws. Subsequently, the meeting was recessed and reconvened on Thursday, May 20, 2010, at 7:38 pm.

**PRESENT:** Mayor Gregor Robertson  
Councillor Suzanne Anton  
Councillor David Cadman (May 18, 2010)  
Councillor George Chow  
Councillor Heather Deal  
Councillor Kerry Jang  
Councillor Raymond Louie  
Councillor Geoff Meggs (May 20, 2010)  
Councillor Andrea Reimer  
Councillor Tim Stevenson  
Councillor Ellen Woodsworth

**ABSENT:** Councillor Geoff Meggs (Leave of Absence - May 18, 2010 - Items 1 through 9)  
Councillor David Cadman (Sick Leave - May 20, 2010 - Item 10)

**CITY CLERK'S OFFICE:** Lori Isfeld, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Cadman  
SECONDED by Councillor Jang

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair, to consider proposed amendments to the zoning, official development plan, sign and heritage by-laws.

CARRIED UNANIMOUSLY

1. ~~Heritage Designation: 1476 Graveley Street~~

An application by the property owner(s) of 1476 Graveley Street was considered as follows:

Summary: A heritage designation to preserve and protect the exterior of this heritage house as part of the Vancouver Heritage Foundation's *Restore It* grant program.

The Director of Planning recommended approval.

- (xi) Provision of an off-site contamination agreement that requires contamination in the road to be remediated to City standards on terms and conditions that the General Manager of Engineering Services and the Director of Legal Services deems necessary, in their sole discretion, which may include Section 219 Covenants which provide that there will be no occupancy of any buildings or other improvements until the City has received the confirmation that the road has been remediated.

#### Community Amenity Contribution

- (xii) Offering to the City of a Community Amenity Contribution (CAC) in the amount of \$37,911.


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

The preceding 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 it 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, and letters of credit, and provide for the withholding of permits, as deems appropriate by, and in form and contents satisfactory to, the Director of Legal Services.

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

CARRIED UNANIMOUSLY



### 9. REZONING: 2250 Commercial Drive



An application by Francois Marchand, Ankenmen Marchand Architects, was considered as follows:

Summary: To rezone from C-2C (Commercial) to CD-1 (Comprehensive Development) District for additional height, an extra floor of development, and alternate setback requirements, to permit the partial demolition and rebuilding of an existing 3-storey retail/office building and its conversion to a mixed-use building with 4 floors of residential over one floor of commercial, containing 58 residential units. The majority of the existing structure would be retained.

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

**ADOPT REPORT OF COMMITTEE OF THE WHOLE**

MOVED by Councillor Cadman  
SECONDED by Councillor Woodsworth

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

CARRIED UNANIMOUSLY

**BY-LAWS**

MOVED by Councillor Woodsworth  
SECONDED by Councillor Jang

THAT Council, except for those members ineligible to vote as noted below, enact the by-laws listed on the agenda for this meeting as numbers 1, 2 and 3, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. A By-law to amend False Creek North Official Development Plan By-law No. 6650 regarding sustainability in Northeast False Creek (By-law No. 10259)  
*(Councillor Cadman ineligible for the vote)*
2. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 (2250 Commercial Drive) (By-law No. 10260)  
*(Councillor Meggs ineligible for the vote)*
3. A By-law to approve a Housing Agreement for 1075 Burnaby Street (By-law No. 10261)


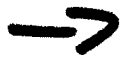
**MOTIONS**

**A. Administrative Motions**

1. **Approval of Form of Development: 2250 Commercial Drive**

MOVED by Councillor Louie  
SECONDED by Councillor Woodsworth

THAT the form of development for this portion of the site known as 2250 Commercial Drive, be approved generally as illustrated in the Development Application Number DE414184, prepared by Ankenman Marchand Architects, and stamped "Received, Community Services Group, Development Services", on March 16, 2011, provided that the Director of Planning may impose conditions and approve design changes which

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1. A By-law to amend Noise Control By-law No. 6555 (2250 Commercial Drive)  
(By-law No. 10262)
  -  2. A By-law to amend Sign By-law No. 6510 (2250 Commercial Drive)  
(By-law No. 10263)  
*(Councillor Meggs ineligible for the vote)*
  3. A By-law to amend Zoning and Development By-law No. 3575 to rezone an area to  
CD-1 (1553-1577 Main Street) (By-law No. 10264)  
*(Councillors Louie, Stevenson and Mayor Robertson ineligible for the vote)*
  4. A By-law to amend Protection of Trees By-law No. 9958 regarding emergency  
removal provisions (By-law No. 10265)
  5. A By-law to amend Zoning and Development By-law No. 3575 regarding the HA-1  
and HA-1A Districts Schedule (Conditional use, height and rear yard setbacks)  
(By-law No. 10266)
  6. A By-law to amend Zoning and Development By-law No. 3575 regarding passive  
design (By-law No. 10267)
  7. A By-law to amend Downtown Official Development Plan By-law No. 4912  
(Exterior walls, passive design) (By-law No. 10268)
  8. A By-law to amend Downtown-Eastside/Oppenheimer Official Development Plan  
By-law No. 5532 (Exterior walls, passive design) (By-law No. 10269)
  9. A By-law to amend the Southeast Granville Slopes Official Development Plan By-law  
No. 5752 (Exterior walls, passive design) (By-law No. 10270)
  10. A By-law to amend First Shaughnessy Official Development Plan By-law No. 5546  
(Exterior walls, passive design) (By-law No. 10271)
  11. A By-law to amend Sign By-law No. 6510 (1885-1895 Venables Street)  
(By-law No. 10272)  
*(Councillor Meggs ineligible for the vote)*

## MOTIONS

### A. Administrative Motions

None.