



City of Vancouver *Zoning and Development By-law*

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CD-1 (309)

490 Commercial Drive

By-law No. 7198

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

Effective October 19, 1993

(Amended up to and including By-law No. 8760, dated December 9, 2003)

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**

The area shown included within the heavy black outline on Schedule “A” shall be more particularly described as CD-1(309), and the only uses permitted within the outlined area, subject to such conditions as Council may by resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Dwelling Units eligible for government funding as of October 19, 1993;
- (b) Parking Garage; and
- (c) Accessory Uses customarily ancillary to the above uses.

3 **Floor Space Ratio**

3.1 The floor space ratio shall not exceed 0.75. For the purpose of computing floor space ratio, the site shall be all parcels covered by this By-law, and shall be deemed to be 2 916 m², being the site size at time of application for rezoning, prior to any dedications.

3.2 The following shall be included in the computation of floor space ratio:

- (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 The following shall be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;-
- (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, 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, Provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length; or
 - (ii) are above the base surface and where developed as offstreet parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, to a maximum total of 10 percent of the total building floor area;
- (e) areas of undeveloped floors located above the highest storey or half-storey, or adjacent to a storey or half-storey, with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch; and
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; [8760; 03 12 09]
- (g) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 7198 or provides an explanatory note.

4 Height

The maximum height of a building shall be 10.7 m, but no portion of the building shall extend above an envelope formed by a vertical line measuring 7.3 m in height at the north property line and a plane formed by an angle of 30 degrees measured from the horizontal and having its vertex at the maximum building height permitted at the north property line.

5 Front Yard

A front yard with a minimum depth of 6.1 m shall be provided.

6 Side Yards

6.1 A side yard with a minimum width of 2.1 m shall be provided on each side of the principal building, but the minimum width shall be increased so that the outer walls of the building are contained within a 135 degree angle extended horizontally and measured inwardly from any and all points on the side property lines.

6.2 In the case of a corner site, the exterior side yard shall not be regulated by section 6.1 above but shall be 20 percent of the width of the site, except that it shall not be less than 3.0 m and need not be more than 6.0 m in width.

7 Rear Yard

7.1 A rear yard with a minimum depth of 10.7 m shall be provided, except that where the rear of the site abuts a lane this required minimum depth shall be decreased by the lane width between the rear property line and the ultimate centre line of the lane.

7.2 Where the principal building or any portion thereof abutting the rear yard is 9.1 m or less in width and is located 7.6 m or more from an adjoining site, it may extend up to 3.0 m into the required rear yard.

7.3 Where the principal building or any portion thereof abutting the rear yard is 15.3 m or less in width and is located 7.6 m or more from an adjoining site, and where the average distance from the building to the rear property line is 10.7 m, the building or that portion thereof may extend up to 3.0 m into the required rear yard.

8 Site Coverage

8.1 Site coverage for buildings shall be based on the projected area of the outside of the outermost walls of all buildings and includes carports, but excludes steps, eaves, balconies and sun decks.

8.2 The maximum site coverage for any portion of the site used as parking area shall be 30 percent.

8.3 In the case of a sloping site where a structure is located in or beneath a yard, the structure shall be excluded from the site coverage calculation provided that it does not, except for required earth cover, permitted fences and similar items, project above the average elevation of the portions of the streets, lanes or sites located adjacent to such structure, and does not, in any event, project more than 1.0 m above the actual elevation of adjoining streets, lanes and sites.

9 Horizontal Angle of Daylight

9.1 All habitable rooms in buildings containing 3 or more dwelling units shall have at least 1 window on an exterior wall which complies with the following:

- (a) the window shall be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, shall be unobstructed over a distance of 24.0 m; and

- (b) the plane or planes shall be measured horizontally from the centre of the bottom plane of the window.

9.2 For the purpose of section 9.1 the following shall be considered as obstructions:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R District in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the proposed site;
- (b) part of the same building including permitted projections;
- (c) accessory buildings located on the same site as the principal building.

9.3 For the purpose of section 9.1, the following shall not be considered as habitable rooms:

- (a) bathrooms; and
- (b) kitchens, unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m whichever is the greater.

10 Acoustics

All development permit applications shall 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 shall 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 will be defined simply as noise level in decibels.

Portions of Dwelling Units	Noise Level (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

[7515; 96 01 11]

11 Relaxation of Regulations

The Development Permit Board or the Director of Planning, as the case may be, may relax any of the regulations of this By-law for a multiple dwelling having regard to all applicable policies and guidelines adopted by Council, and provided that:

- (a) all required parking spaces shall be provided underground or within the outermost walls of a building (but in no case with the floor of the parking area above the highest point of the finished grade around the building), except in the case of lots of 560 m² or less;
- (b) useable on-site open space shall be provided;
- (c) a minimum of 20 percent of total units within any building shall contain 2 or more bedrooms, except in the case of buildings designed specifically for use as senior citizens' housing or other similar use;
- (d) in no case shall the site coverage exceed 65 percent;
- (e) the maximum floor space ratio shall be 1.45.

12 *[Section 12 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and to certify the by-law number and date of enactment.]*

By-law No. 7198 being a By-law to amend By-law No. 3575, being the Zoning and Development By-law

The property shown below (—) outlined in black is rezoned from RM-4 & RM-4N to CD-1

