



City of Vancouver *Zoning and Development By-law*
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CD-1 (326)

2135 West 12th Avenue

By-law No. 7317

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

Effective June 21, 1994

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

Guidelines:

Arbutus /Vine Industrial Area

CD-1 Guidelines

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 **Intent**

The intent of this By-law is to permit the development of the site with residential uses, in a form which complements, and is compatible with, the character of adjacent areas.

Development on the site shall be consistent with the following objectives:

- (a) achieve a built form which is complementary to the form of development of adjacent areas of Kitsilano, which may include both residential and industrial character;
- (b) achieve housing consistent with the principles of livability and other social and environment objectives;
- (c) provide pedestrian links to adjacent areas; and
- (d) provide adequate on-site parking and loading spaces for all uses within the site.

3 **Definitions**

Words used in this By-law shall have the meaning assigned to them in the Zoning and Development By-law, with the following addition:

Interim Use means any use not specifically listed in this By-law and intended to be of only temporary duration.

4 **Uses**

The area shown included within the heavy black outline on Schedule “A” shall be more particularly described as CD-1 (326), 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) Child Day Care Facility;
- (b) Cultural and Recreational Uses;
- (c) Dwelling Units (a maximum of 29% shall consist of 1 bedroom and bachelor units, and a minimum of 34% shall consist of 2 or more bedrooms);

The percentages outlined are to be applied to the entire site and not on a parcel by parcel basis. Further, the term 1 bedroom shall not include 1 bedroom plus a den;

[7773; 97 07 22]

- (d) Park or Playground;
- (e) School - Elementary or Secondary;
- (f) The following Uses, limited to a total floor area of 1 050 m² located at grade, fronting- Arbutus Street, on the parcel labelled 3 on Diagram 1:
 - (i) Office Uses;
 - (ii) Retail Uses, but not including Gasoline Station - Full Serve, Gasoline Station - Split Island, and Vehicle Dealer,
 - (iii) Service Uses, but not including Bed and Breakfast Accommodation, Body-rub Parlour, Drive-through Service, Funeral Home, Laboratory, Laundry or Cleaning Plant, Motor Vehicle Repair Shop, Motor Vehicle Wash, Photofinishing or Photography Laboratory, Repair shop - Class A, and Sign Painting Shop;
- (g) Accessory Uses customarily ancillary to the above uses; and

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 7317 or provides an explanatory note.

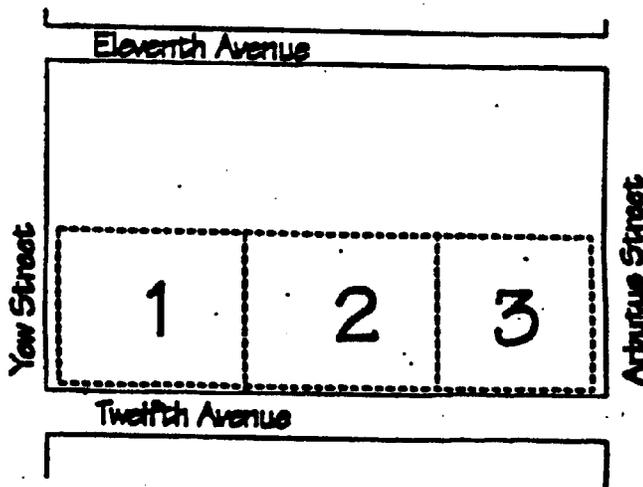
- (h) Interim Uses and Accessory Uses customarily ancillary thereto, provided that:
 - (i) the Development Permit Board considers that the use will be compatible with and not adversely affect adjacent development that either exists or is permitted by this By-law;
 - (ii) the Development Permit Board is satisfied that the use can be easily removed, and is of low intensity or low in capital investment;
 - (iii) the Development Permit Board is satisfied that there is no increase in risk to the public from contained soils either on or adjacent to the subject site; and
 - (iv) development permits are limited in time to periods not exceeding 3 years.

5 Parcels

The site will comprise a maximum of 3 development parcels, generally as illustrated in Diagram 1. The parcel boundaries and areas are, approximate only.

The Approving Officer may approve a non-development parcel having a minimum width of 3 m for future street or lanes purposes.

DIAGRAM 1



6 Floor Space Ratio

The Development Permit Board may permit a maximum floor space ratio of up to and including 2.3 for each parcel shown on Diagram 1, provided that it first considers:

- (a) all applicable policies and guidelines adopted by Council;
- (b) the bulk, location and overall design of a building and its effect on the site, surrounding buildings and streets;
- (c) the design and livability of any dwelling uses; and
- (d) the provision of open space, including private patios and balconies, and useable common areas.

For the purpose of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 5 810 m².

6.2 The following will 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.

6.3 The following will be excluded in the computation of floor area:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all open residential balconies or sundecks, and any other appurtenances does not exceed 8 percent of the residential floor area being provided;
- (b) patios and roof gardens for residential purposes only, 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 are at or below the base surface;
- (d) amenity areas, accessory to a residential uses, including recreation facilities and meeting rooms, provided that the total area being excluded shall not exceed 40 m² for each development parcel, except in the case of non-market housing where the area shall not exceed 100 m²;
- (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]

6.4 The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
 - (ii) no more than fifty percent of the excluded balcony floor area may be enclosed. [7512; 96 01 11]

7 Height

The maximum building height, measured above the base surface, is 13.7 m, subject to the relaxation of limitations on building heights set out in Section 10.11.1 of the Zoning and Development By-law.

[7773; 97 07 22]

The Director of Planning may permit a decorative roof, which may include items referred to in Section 10.11.1 of the Zoning and Development Bylaw, to exceed the maximum height otherwise specified in this By-law, provided that:

- (a) the Director of Planning is satisfied that the roof enhances the overall appearance of the building and appropriately integrates mechanical appurtenances;
- (b) the roof does not add to the floor area otherwise permitted; and
- (c) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

8 Off-street Parking and Loading

Off-street parking must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law as if the site is zoned RM-4.

Off-street loading must be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that one loading bay must be provided for every 200 dwelling units.

9 Acoustics

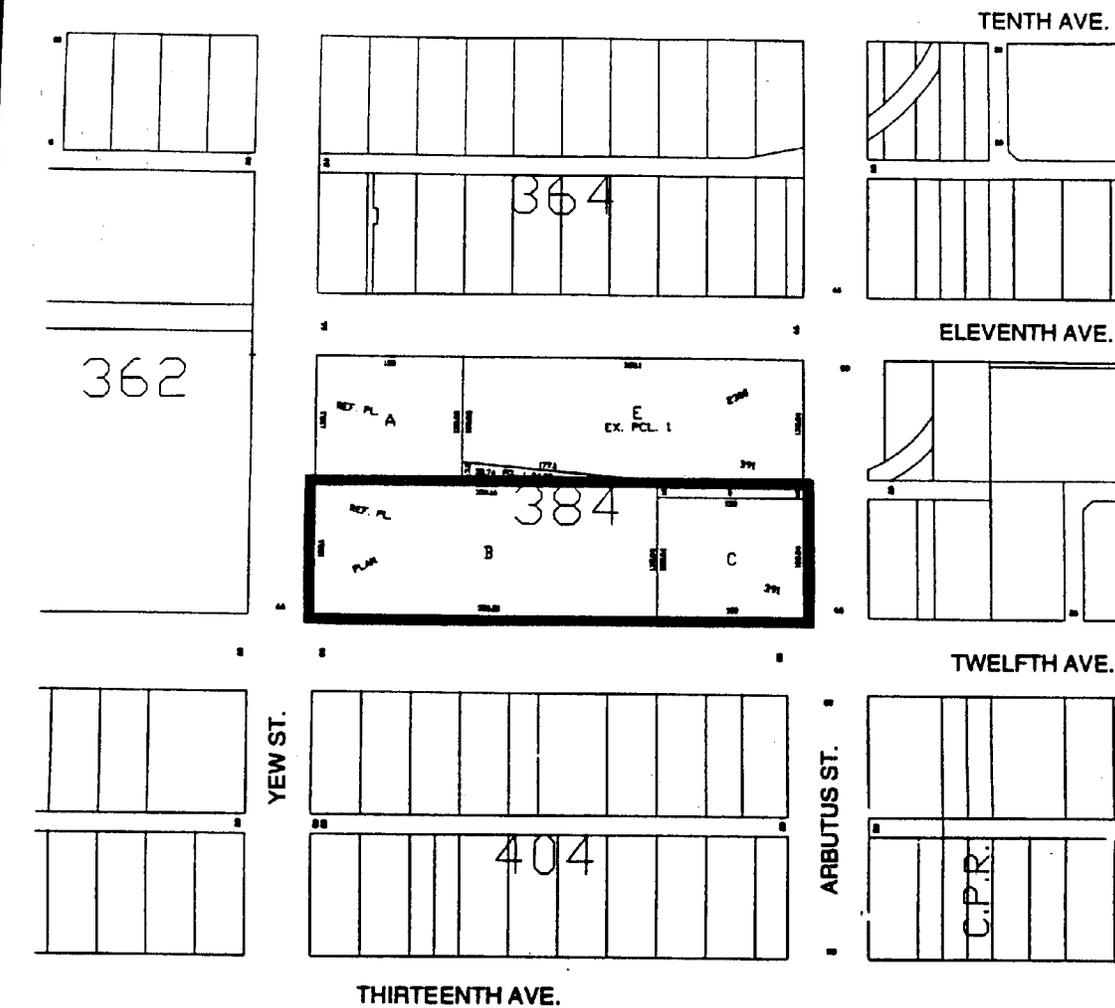
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise level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

10 *[Section 10 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. 7317 BEING A BY-LAW TO AMEND BY-LAW No. 3575
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black (▬) is rezoned:
From **M-1** To **CD-1**

Z-425(a)

RZ 2135 W. 12th Ave.	map: 1 of 1	
	scale: 1:2000	
City of Vancouver Planning Department		

