



City of Vancouver *Zoning and Development By-law*

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CD-1 (341)

2790 Vine Street

By-law No. 7461

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

Effective July 27, 1995

(Amended up to and including By-law No. 9674, dated June 24, 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 and repeals By-law No. 7460.]*

2 In this By-law:

“City Engineers” means the person who from time to time is appointed by the Council to be the City Engineer, and includes a Deputy of the City Engineer.

“Council” means the Council of the City of Vancouver.

“Director of Legal Services” means the person who from time to time is appointed by the Council to be the Director of Legal Services, and includes a Deputy of the Director of Legal Services.

“Director of Planning” means the person who from time to time is appointed by the Council to be the Director of Planning, and includes a Deputy of the Director of Planning.

“General Manager of the Board of Parks and Recreation” is the person who from time to time is appointed by the Board of Parks and Recreation to be the General Manager of the Board of Parks and Recreation, and includes any person authorized by that Board to carry out the duties of the General Manager.

3 The area shown included within the heavy black outline on Schedule “A” is rezoned pursuant to Section 565(1)(f) of the Vancouver Charter and shall be more particularly described as CD-1 (341).

4 This By-law is enacted on the fundamental basis that the Development Plan hereunto annexed as Schedule B, and each of its provisions, will be complied with, the soils within the lands will be remediated to all applicable statutory standards, and the amenities, utilities, services and land described in Schedule “C” will be provided at no cost to the City.

5 The Development Plan is an integral part of this By-law. Each and every provision contained in this By-law is necessary and interdependent so that, if any provision is quashed or declared to be unlawful or of no force or effect, such provision will not be severable and in such case Council desires the entire by-law, including Section (1)(b), be quashed with the result that CD-1 (341) shall be zoned pursuant to By-law No. 7460.

6 Nothing in this By-law or the Development Plan fetters the discretion or authority bestowed upon the Approving Officer, and any applicant for subdivision is bound by a decision of the Approving Officer and is required to fulfil any condition the Approving Officer may impose as a condition of approval.

7 The amenities, utilities, services and land therefor described in Schedule “C” or security therefor as prescribed by the Director of Legal Services shall be provided to the City at no cost to the City on or before the time set for completion, set forth beside each individually described work.

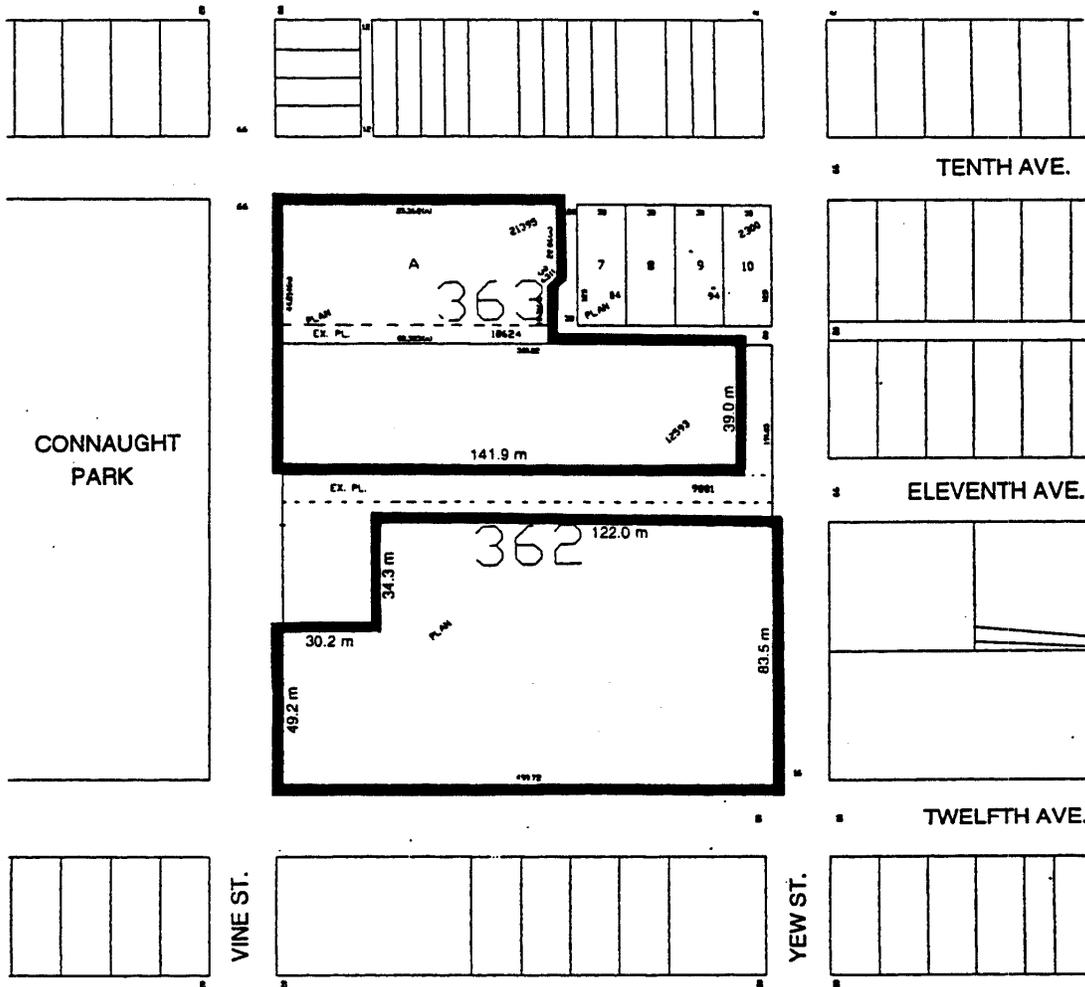
8 The only uses permitted within CD-1 (341), and the only uses for which development permits may be issued, are those set forth in Section 3 of the Development Plan, subject to the form, location and any special characteristics being in conformity with the Development Plan and applicable policies and guidelines adopted by Council, and subject to such other conditions not inconsistent therewith which the Development Permit Board in its discretion may prescribe.

9 Any person wishing to carry out any development in CD-1 (341) shall submit such plans and specifications as may be required by the Development Permit Board and obtain the approval of the Council of the City of Vancouver to the form of development.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 7461 or provides an explanatory note.*

- 10 Subject to Section 11 of this By-law, the Development Permit Board may exercise the discretion contained in this By-law including Schedule “B” and By-law No. 3575 to issue or withhold any Development Permit.
- 11 The Development Permit Board shall not issue any Development Permit, except for an interim use and uses customarily ancillary thereto:
- (a) unless the form of development complies with the Development Plan and any applicable policies or guidelines adopted by Council;
 - (b) until the City has been provided with those amenities, utilities, services and land which, by Schedule “C” are scheduled to be provided prior to the development of the land in respect of which the application for a Development Permit has been made, or until an agreement, or agreements, satisfactory to the City Engineer and the Director of Legal Services are entered into ensuring the provision of those amenities, utilities, services and land therefor. The amenities, utilities and services shall be constructed to the specifications established by the City Engineer and shall not be considered to have been provided until accepted by the City Engineer. Land provided to the City shall be remediated to a standard established by the City Engineer, or in the case of land for parks, by the General Manager of the Board of Parks and Recreation, and shall not be considered to have been provided until so remediated. Prior to commencing construction of any amenity, utility or service the applicant for the Development Permit shall provide such warranties, security and indemnities in respect of the construction of the works as the City Engineer and the Director of Legal Services may require. At the time of providing any land to the City, the applicant for the development permit shall provide such indemnity with respect to liability for damage caused by contamination on or flowing from such land, both before and after its provision, as may be required by the Director of Legal Services;
 - (c) until the soils within the applicable Phase as defined in the Development Plan, together with surrounding soils which contaminate or could contaminate the soils within the site, have been remediated to all applicable statutory standards, or an agreement to remediate, with provisions for security and indemnity satisfactory to the City Engineer and the Director of Legal Services, has been entered into providing for soils remediation; and
 - (d) unless the Council of the City of Vancouver has approved the form of development described in the application for the permit.
- 12 Any development permit issued shall contain such conditions as the Development Permit Board shall lawfully require pursuant to Subsections (b) and (d) of Section 565A of the Vancouver Charter.
- 13 Hereunto annexed as Schedule “B” is the Development Plan which regulates the use and development of the property within CD-1 (341). Any persons using or developing property within the District shall comply with that Plan.
- 14 Except for matters otherwise specifically provided for in this By-law all provisions of By-law No. 3575, the Zoning and Development By-law, apply to the area governed by this By-law.
- 15 *[Section 15 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.]*

BY-LAW No. 7461 BEING A BY-LAW TO AMEND BY-LAW No. 3575
BEING THE ZONING & DEVELOPMENT BY-LAW



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

Z-425(c)

RZ 2790 Vine St.

map: 1 of 1

City of Vancouver Planning Department

scale: 1:2000



THIS IS SCHEDULE "B" TO BY-LAW NO. 7461
DEVELOPMENT PLAN OF CD-1 (341)

The Development Plan contains the regulations for the development of the Comprehensive Development District known as CD-1 (341).

Any application for development or use must comply with the Development Plan, generally as illustrated in Figures 1 and 2.

1 Intent

The intent of this Development Plan is to permit the development of the district with residential and park 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 adjacent areas of Kitsilano, which may include both residential and industrial character;
- (b) retain and/or replicate architecturally interesting portions of the former brewery [7599; 96 07 25];
- (c) achieve housing consistent with the principles of livability and other social and environmental objectives;
- (d) provide pedestrian links to adjacent areas; and
- (e) provide adequate on-site parking and loading spaces for all uses within the site.

2 Definitions

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

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

3 Uses

The only uses for which development permits will be issued are:

- (a) Artist Studio, subject to the provisions of Section 11.18 of the Zoning and Development By-law;
- (b) Child Day Care Facility;
- (c) Cultural and Recreational Uses;
- (d) Dwelling Units (a minimum of 25 percent shall consist of 2 or more bedrooms and shall be suitably designed to accommodate families);
- (e) Park or Playground;
- (f) Residential Unit associated with and forming an integral part of an Artist Studio, subject to the provisions of Section 11.19 of the Zoning and Development By-law;
- (g) School - Elementary or Secondary, including the Fraser Academy;
- (h) Seniors Supportive or Assisted Housing; [8128; 99 11 30] [8824; 04 04 06]
- (i) Accessory Uses customarily ancillary to the above uses; and
- (j) 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 the risk to the public from contaminated soils either on or adjacent to the subject site; and
- (iv) development permits are limited in time to periods not exceeding 3 years.

3A Conditions of Use

Any development containing a seniors supportive or assisted housing shall include all of the following facilities and amenities:

- (a) a communal dining room;
 - (b) a multi-purpose room;
 - (c) lounges, to be provided on the basis of a minimum of one every other floor; and
 - (d) provision of 24-hour on-site emergency response;
- [8824; 04 04 06]

except that the Director of Planning or the Development Permit Board may, in the case of unnecessary hardship and on the advice of the Director of Social Planning, relax the requirement of clause (c) where it is determined that such relaxation will not adversely impact the livability of residents of the site. [8128; 99 11 30]

4 Parcels

The district will comprise a maximum of 9 development parcels, approximately as illustrated in Figure 3.

5 Subdivision

Approximate parcel boundaries and areas are indicated on Figure 4 The parcel boundaries and areas are approximate and subject to being finalized by survey at the time of subdivision.

6 Floor Space Ratio

6.1 The Development Permit Board may permit a maximum floor space ratio for each parcel that does not exceed that indicated in Table 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;
- (d) the provision of open space, including private patios and balconies, and useable common areas; and
- (e) retention and/or replication of architecturally interesting portions of the former brewery buildings [7599; 96 07 25].

Table 1 - Uses, Floor Space Ratio and Heights

Parcel	Use	FSR ²	Height ³
1	Residential (to include 100% family units)	3.35	6 storeys 21.4 m
2	School - Elementary or Secondary, including the Fraser Academy	[see Section 6.3 (g)]	As represented by existing building
3	Residential (to include 13 dwelling units containing 2 or more bedrooms)	2.00	4 storeys 15.3 m
4	Residential (to include 13 dwelling units containing 2 or more bedrooms)	2.00	4 storeys 15.3 m
5	Residential (to include 36 dwelling units containing 2 or more bedrooms)	3.45	7 storeys 24.4 m
6	Residential (to include 82 dwelling units containing 2 or more bedrooms)	5.10	8 storeys ⁴ 27.4 m
7	Residential (to include 31 dwelling units containing 2 or more bedrooms)	2.10	4 storeys 15.3 m
8	Residential (to include 35 dwelling units containing 2 or more bedrooms)	3.65	6 storeys 21.4 m
9	Residential (to include 7 dwelling units containing 2 or more bedrooms)	2.20	4 storeys 15.3 m

[7599; 96 07 25]

1. Bracketed letter refers to applicant's parcel designation.
2. Calculated on net parcel size excluding roadway areas, with the road width to be 6.1 m for the purpose of calculating parcel size [7599; 96 07 25].
3. Average floor to floor height of a storey considered to be 3.1 m. Maximum floor to floor height to be 3.7 m.
4. The Development Permit Board may relax this height to provide for reconstruction of historical elements which formed part of the original brewery building. Any relaxation will be in accordance with original plans for these elements.
5. For Parcel 6, seniors supportive or assisted housing is exempt from the 2 or more bedroom requirement. [8128; 99 11 30] [8824; 04 04 06]

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;
- (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 A-6 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 use, 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) amenity areas accessory to a seniors supportive or assisted housing, including lounges, multi-purpose rooms, recreation facilities and meeting rooms, provided that the total area being excluded shall not exceed 5% of the permitted floor area on a parcel; [8128; 99 11 30] [8824; 04 04 06]
- (f) 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;
- (g) residential storage space provided that where the space is provided at or above base surface, the maximum exclusion shall be 3.7 m² per dwelling unit; and
- (h) floor area used primarily by the Fraser Academy, provided that the total area being excluded shall not exceed 2 787 m²
- (i) 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]
- (b) enclosed balconies for residential uses, community care facilities and group residences along 12th Avenue. [8128; 99 11 30] [9674; 08 06 24]

6.5 The following minimum floor areas shall apply in the case of seniors supportive or assisted housing:

- (a) a dwelling unit designed and used for single occupancy shall have a minimum floor area of 25.5 m²;
- (b) a dwelling unit designed and used for double occupancy shall have a minimum floor area of 42.0 m²;
- (c) a communal dining room and multi-purpose room shall each have a minimum floor area in square metres equivalent to the figure obtained from the multiplication of the number of beds provided by 1.33; and
- (d) a lounge shall have a minimum floor area in metres equivalent to the figure obtained from the multiplication of the number of beds utilizing the lounge by 1.4 except that the Director of Planning or the Development Permit Board may, in the case of unnecessary hardship and on the advice of the Director of Social Planning, relax the requirement of clauses (c) or (d) where it is determined that such relaxation will not adversely impact the livability of residents of the site. [8128; 99 11 30] [8824; 04 04 06]

7 Height
The maximum building height measured above the base surface, is as set out in Table 1, subject to the relaxation of limitations on building heights set out in Section 10.11.1 of the Zoning and Development By-law.

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 By-law, 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 the number of loading bays that must be provided will be determined by the Director of Planning in consultation with the City Engineer.
[7930; 98 07 28]

Off-street parking for seniors supportive or assisted housing must be provided at the rate of one space for every four units. [8128; 99 11 30] [8824; 04 04 06]

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 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

[7515; 96 01 11]

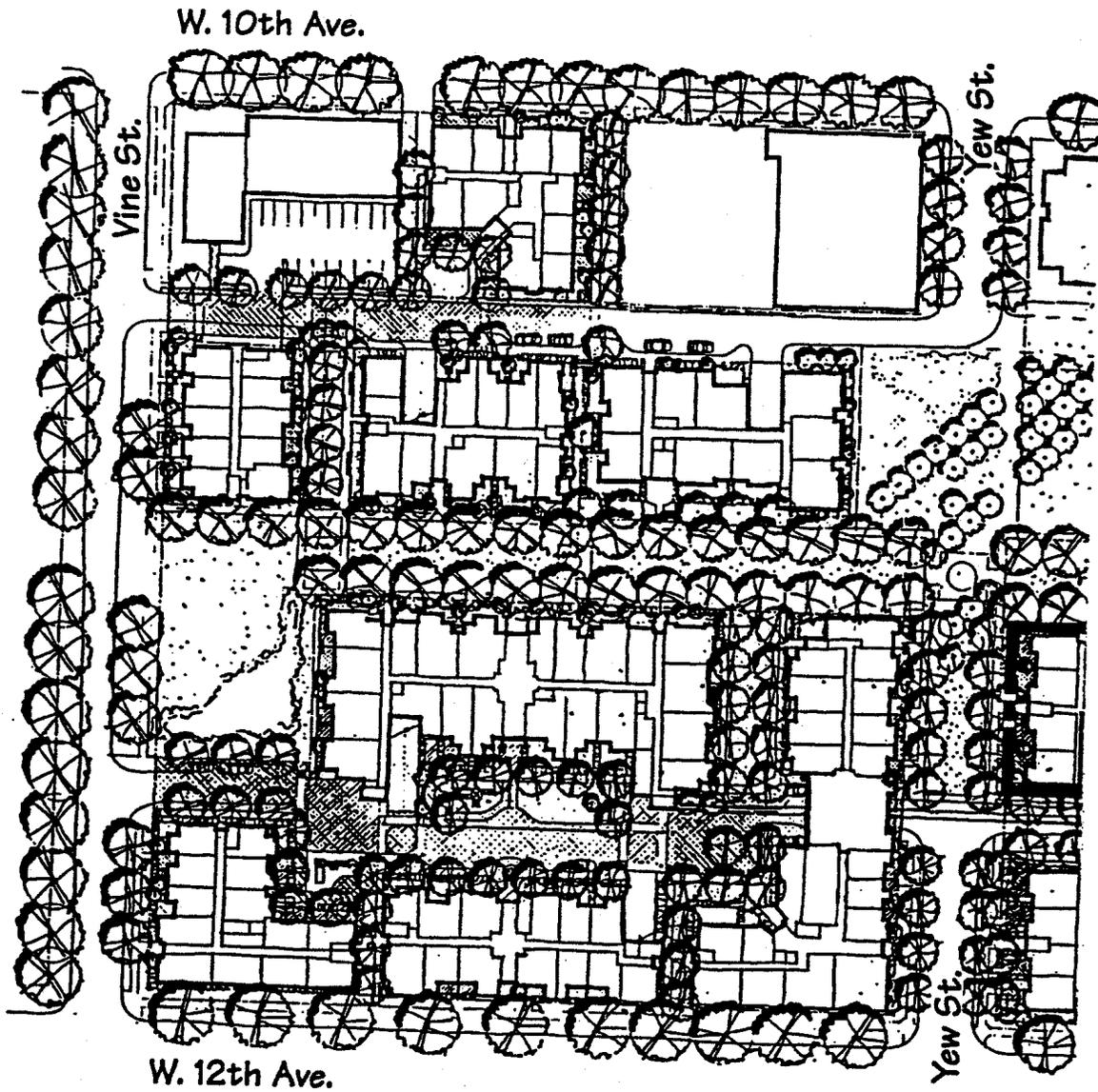
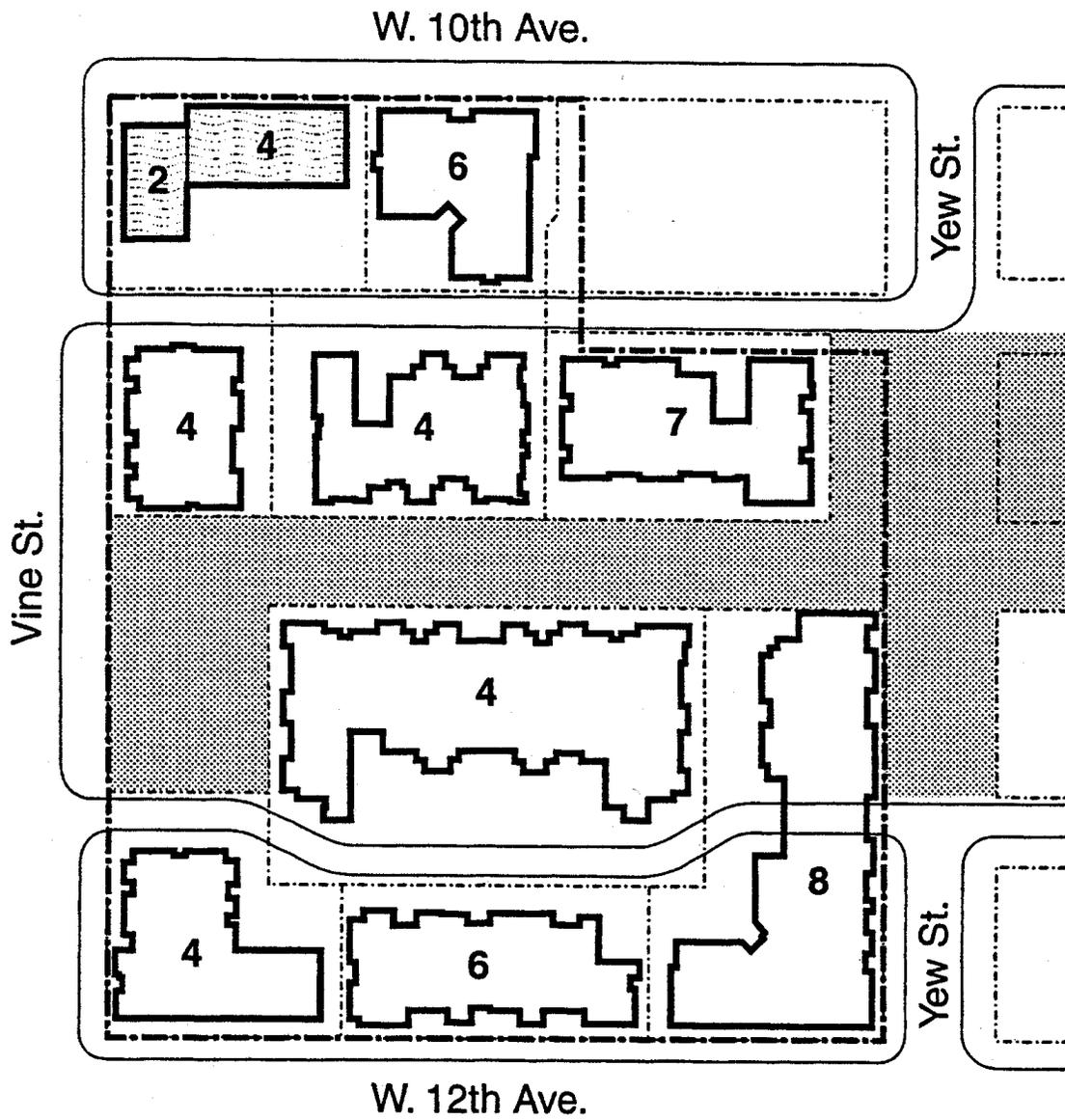


Fig. 1 Illustrative Site Plan



- Residential
- West 11th Avenue greenway / park
- Fraser Academy
- 6** No. of storeys

Fig. 2 Land Use Plan

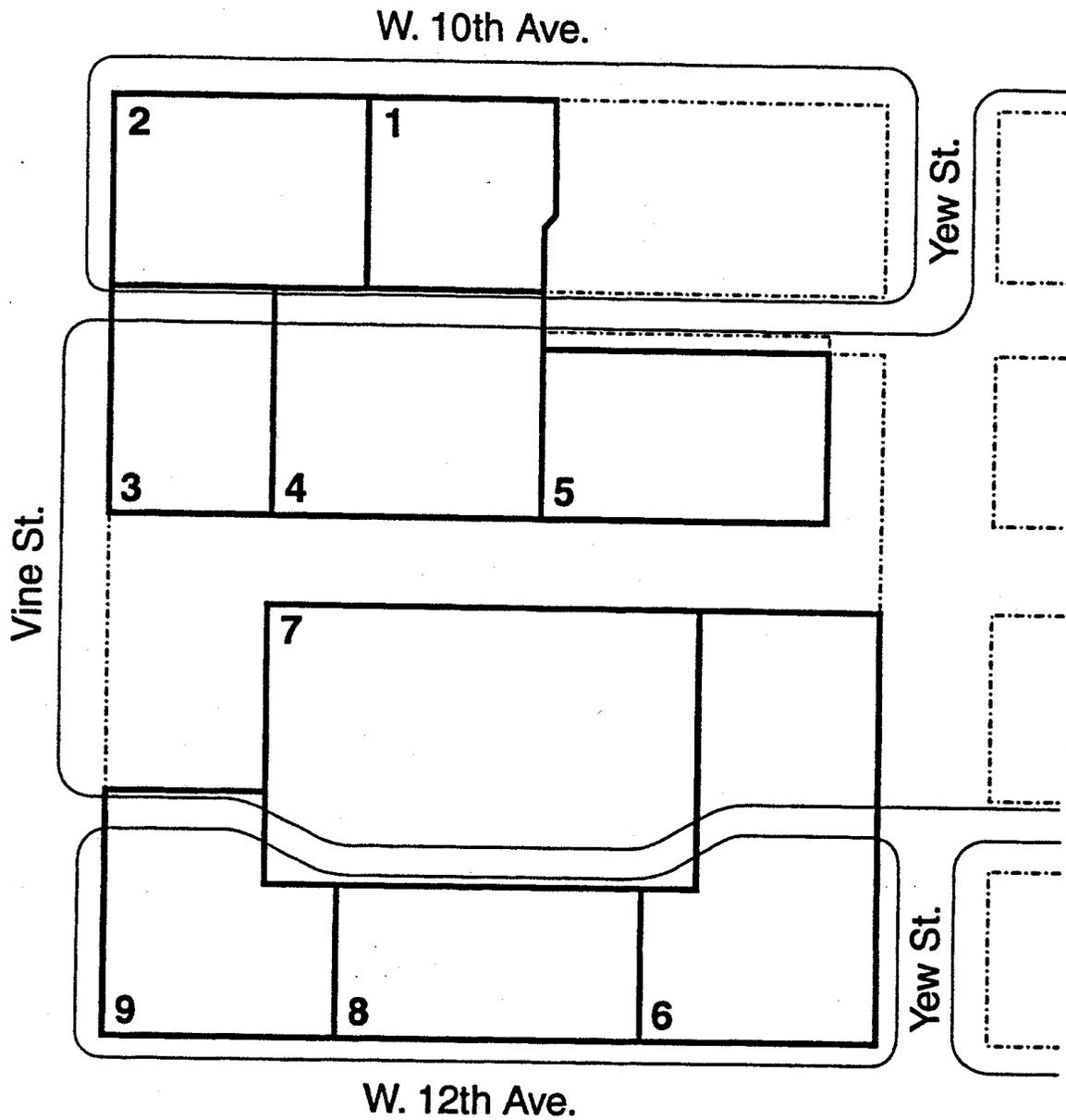


Fig. 3 Parcel Boundaries

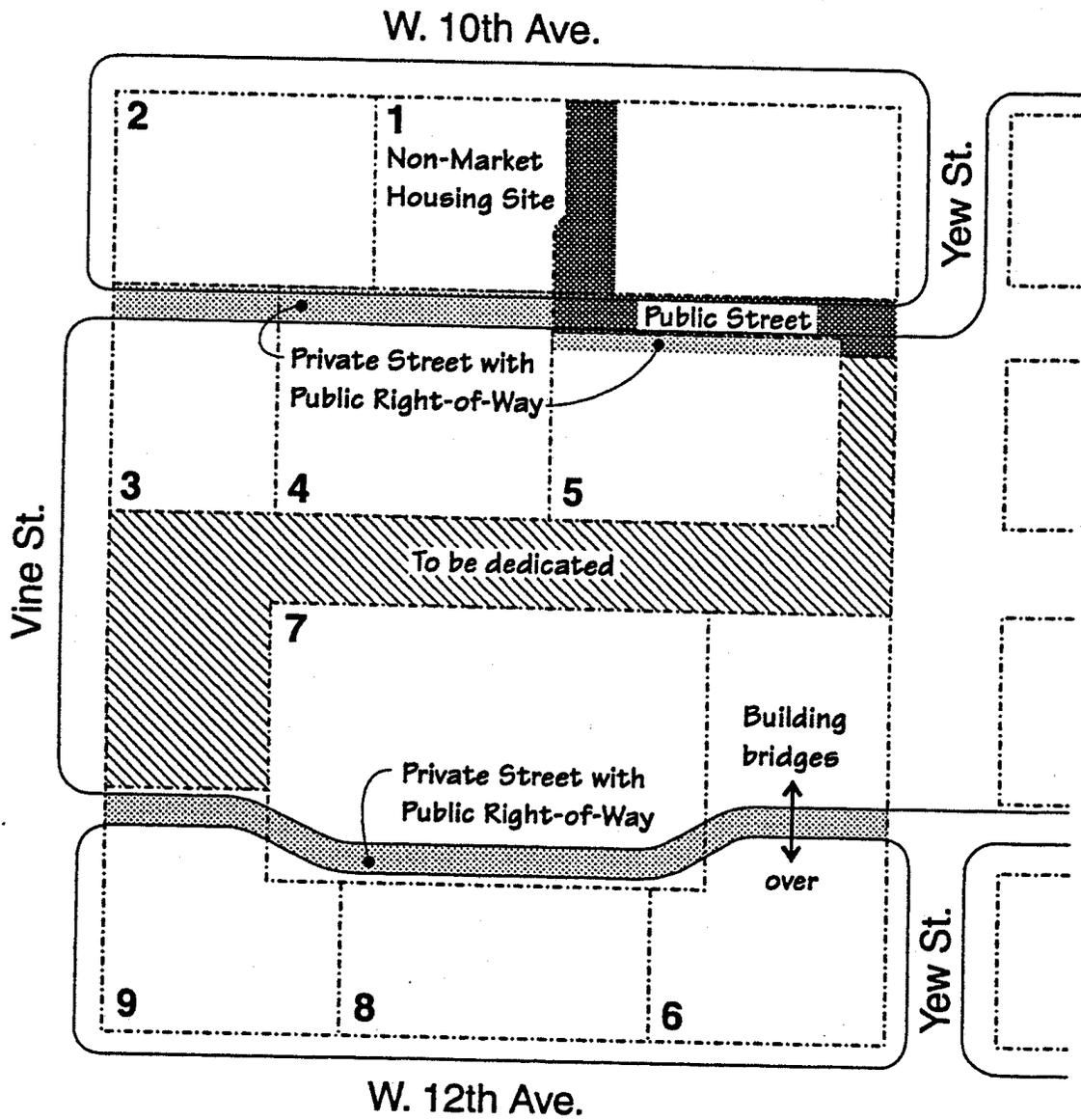


Fig. 4 Subdivision

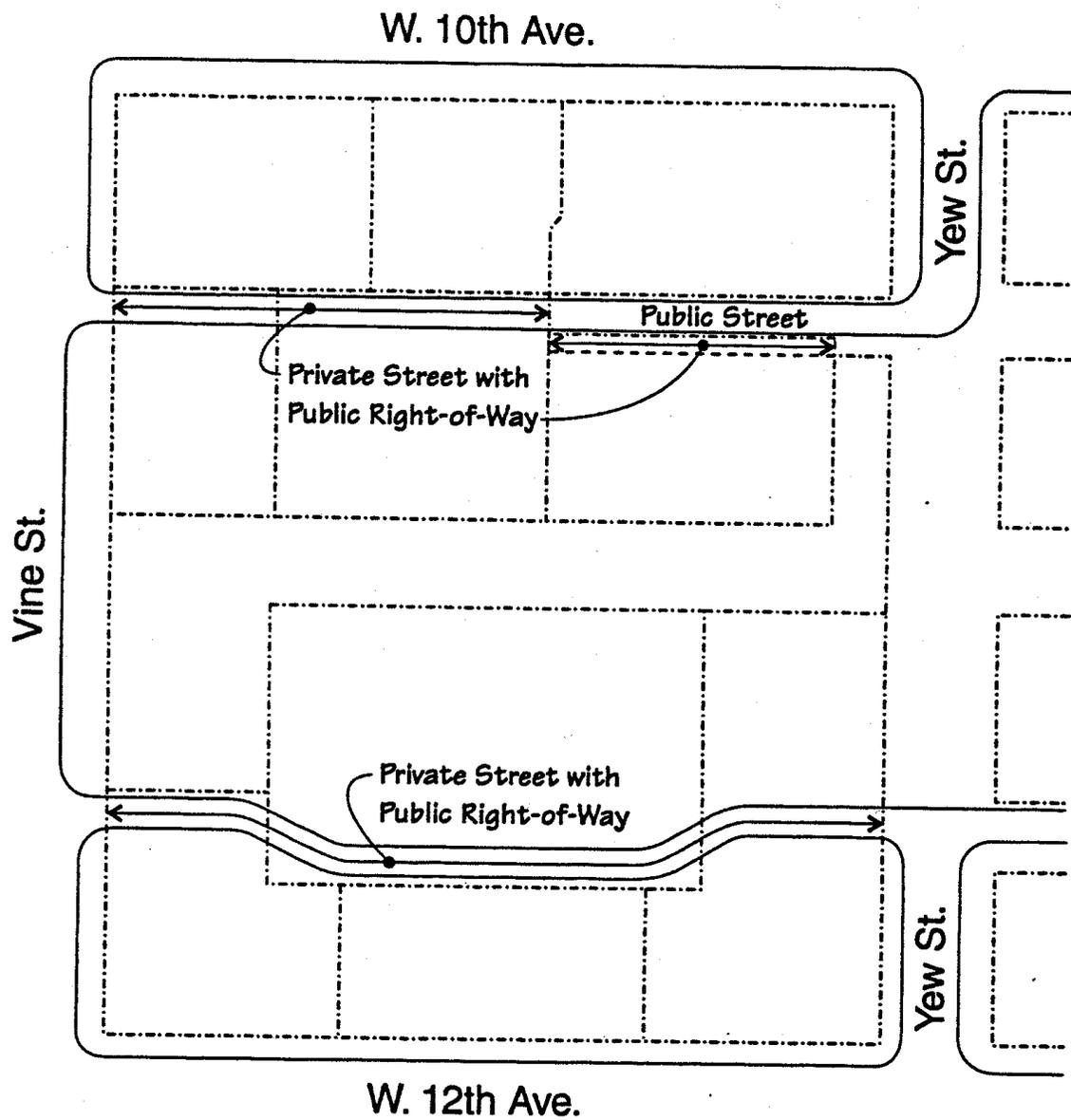


Fig. 5 Streets Plan

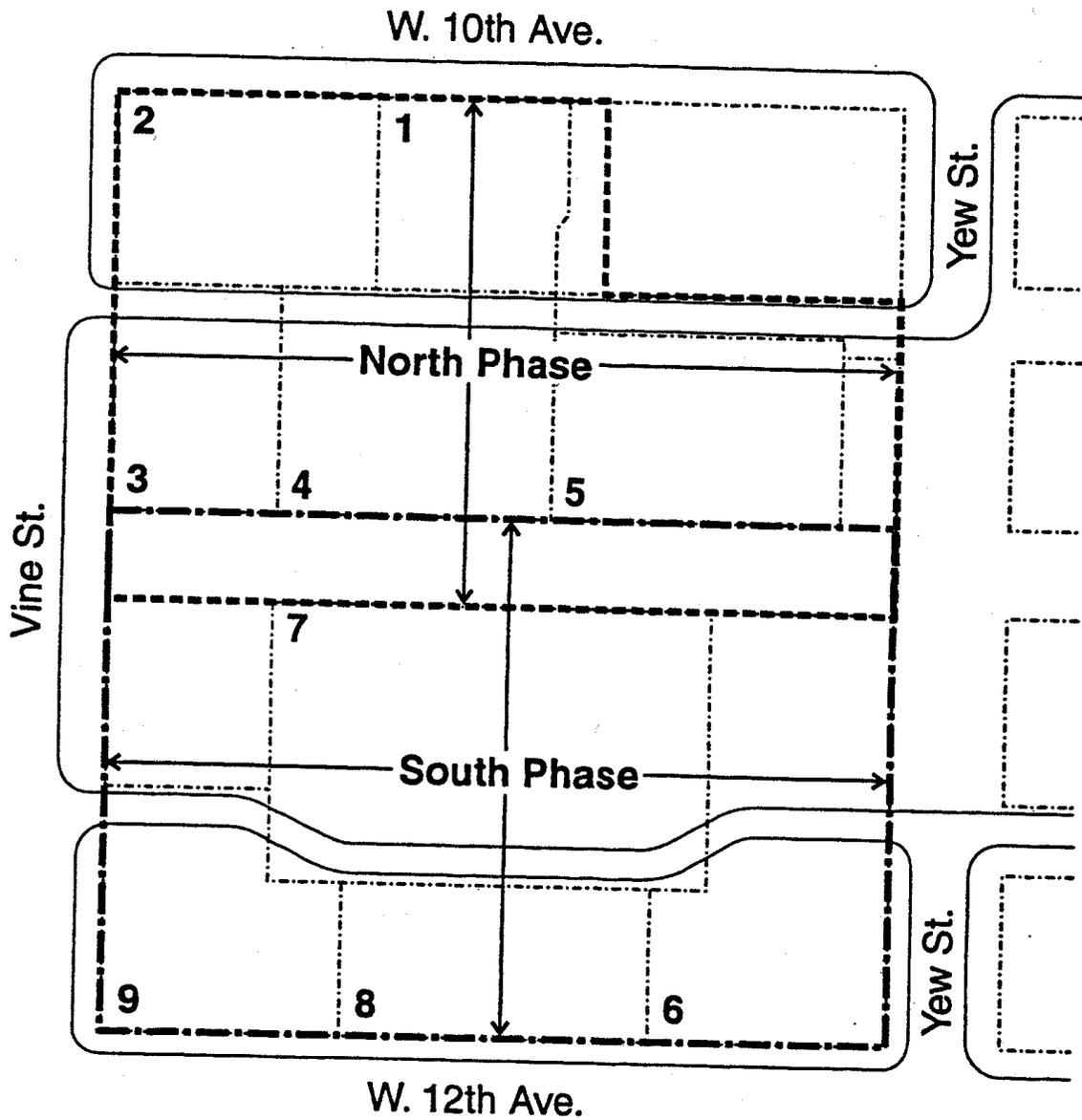


Fig. 6 Phases

This is Schedule "C" to
By-law No. 7461

Development Plan
of CD-1 (341)

1. Intent

The following schedule sets forth the amenities, utilities, services and land (hereinafter referred to as infrastructure), to be provided to the City, together with the time at which each item is to be provided.

Item of Infrastructure	Time for Provision
<u>North Phase</u>	
The portion of the street system intended to service the north phase as shown on Figures 5 and 6 of Schedule B, together with any required off-site improvements related to proceeding with this phase, all as satisfactory to the City Engineer.	In accordance with an agreement to provide such infrastructure, entered into prior to any application to develop pursuant to the Development Plan and in respect to the north phase.
A system of watermains, pipes, valves, hydrants, meters and other appliances necessary for the distribution of water to service the north phase, satisfactory to the City Engineer.	
A system of sewerage and drainage including all necessary appliances and equipment therefor.	
Utilities, such as B.C. Tel, B.C. Hydro, Cable, B.C. Gas, to service the site, satisfactory to the City Engineer.	
The land described "To be Dedicated" on Figure 4 of Schedule B, together with improvements, all as satisfactory to the General Manager of the Board of Parks and Recreation.	

South Phase

That portion of the street system intended to service the south phase as shown on Figures 5 and 6 of Schedule B, together with any required off-site improvements related to proceeding with this phase, all as satisfactory to the City Engineer.

A system of watermains, pipes, valves, hydrants, meters and other appliances necessary for the distribution of water to service the south phase, satisfactory to the City Engineer.

A system of sewerage and drainage including all necessary appliances and equipment therefore.

Utilities, such as B.C. Tel, B.C. Hydro, Cable, B.C. Gas, to service the site, satisfactory to the City Engineer.

The land described as "To be Dedicated" on Figure 4 of Schedule B, together with improvements, all as satisfactory to the General Manager of the Board of Parks and Recreation.

In accordance with an agreement to provide such infrastructure, entered into prior to any application to develop pursuant to the Development Plan in respect to the south phase.