



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

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## CD-1 (474)

### *335, 337, and 349 East 33rd Avenue*

### *By-law No. 9741*

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

***Effective October 28, 2008***

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-599(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 (474).

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

- (a) Dwelling Uses, limited to Multiple Dwelling; and
- (b) 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 2 680.5 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 24.

3.3 The floor space ratio must not exceed 0.97.

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) the floors or portions of floors 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, which are:
  - (i) at or below the base surface, or
  - (ii) in the case of off-street parking, above the base surface in an accessory building in the rear yard; and
- (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,
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m, or
  - (iii) under covered verandas or porches as described in subsection (f), and to which there is no permanent means of access;

- (e) all 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 is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) covered verandas or porches if:
  - (i) they are at the basement or first storey,
  - (ii) that portion facing the street or rear property line is open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law,
  - (iii) the total area of such exclusions does not exceed 5% of the permitted floor area, and
  - (iv) the ceiling height, including roof structures, of the total area of such exclusions 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 height of the principal buildings must not exceed 10.7 m measured from base surface.

**4.2** The height of the accessory buildings must not exceed 4.9 m measured from base surface.

**4.3** Despite section 4.1, the Director of Planning or Development Permit Board, for any building higher than 30.5 m, may allow a decorative roof to exceed the maximum height if:

- (a) the Director of Planning or Development Permit Board 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 or Development Permit Board first considers all applicable policies and guidelines adopted by Council.

## 5 Setbacks

The setback of each building must be at least:

- (a) 4.9 m from the south front yard property line;
- (b) 1.8 m from each of the east and west side yard property lines; and
- (c) 13 m from the north rear yard property line for principal buildings.

## 6 Horizontal angle of daylight

**6.1** Each habitable room must have at least one window on an exterior wall of a building.

**6.2** The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

**6.3** Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

**6.4** If:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may reduce the horizontal angle of daylight requirement.

- 6.5** An obstruction referred to in section 6.2 means:
- (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 site;
  - (b) accessory buildings located on the same site as the principal building;
  - (c) any part of the same building including permitted projections; or
  - (d) the largest building permitted under the zoning on any site adjoining CD-1 (474).

- 6.6** A habitable room referred to in section 6.1 does not include:
- (a) a bathroom; or
  - (b) a kitchen whose floor area is the lesser of:
    - (i) less than 10% of the total floor area of the dwelling unit, or
    - (ii) less than 9.3 m<sup>2</sup>.

**7** Parking 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 and bicycle spaces, all as defined under the Parking By-law.

**8** 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

**9** 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.

**10** Force and effect

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

ENACTED by Council this 28th day of October, 2008.

