



City of Vancouver *Zoning and Development By-law*

Planning, Urban Design and Sustainability Department

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CD-1 (479)

2960-2990 Nanaimo Street

By-law No. 9971

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

Effective December 15, 2009

(Amended up to and including By-law No. 12084, dated May 1, 2018)

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-609(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 (479).

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

- (a) Dwelling Uses, limited to:
 - (i) Seniors Supportive or Assisted Housing, and
 - (ii) Dwelling Unit in conjunction with any use listed in this section 2.2;
- (b) Cultural and Recreational Uses, limited to Artist Studio, Billiard Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Personal Training Centre;
- (c) Institutional Uses, limited to Child Day Care Facility, Church, School - Elementary or Secondary, and Social Service Centre;
- (d) Office Uses, limited to General Office, Financial Institution, Health Care Office, and Health Enhancement Centre;
- (e) Retail Uses limited to Grocery or Drug Store, Grocery Store with Liquor Store, Liquor Store, Retail Store, Pawnshop, Secondhand Store, and Small-scale Pharmacy; [12084; 18 05 01]
- (f) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Drycleaning Establishment, Photofinishing or Photography Studio, Print Shop, Repair Shop - Class B, Restaurant - Class 1, School - Arts or Self-Improvement, and School - Business;
- (g) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station; and
- (h) Accessory Uses customarily ancillary to any of the uses permitted by this section 2.2.

3 Density

3.1 Computation of floor space ratio must assume that the site consists of 2 740 m², 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 floor space ratio for all uses must not exceed 1.45.

3.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, measured to the extreme outer limits of the building.

3.4 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 residential floor area being provided;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9971 or provides an explanatory note.

- (c) where 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 exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest 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;
- (e) amenity areas, including day care facilities, recreational facilities, and meeting rooms, except that the total area excluded must not exceed 1 000 m²;
- (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (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, except that this clause does not apply to walls in existence prior to March 14, 2000; and
- (h) 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 this section meets the standards set out therein.

3.5 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%.

3.6 The use of floor space excluded under section 3.4 or 3.5 must not include any purpose other than that which justified the exclusion.

4 Building height

The building height must not exceed 13.7 m.

5 Horizontal angle of daylight

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

5.2 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.

5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.

- 5.4** 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.

5.5 An obstruction referred to in section 5.2 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 (479).

5.6 A habitable room referred to in section 5.1 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 9.29 m².

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:

- (a) for seniors supportive or assisted housing and dwelling units in conjunction with any use listed in section 2.2, there must be:
 - (i) at least one parking space for each 180 m² of gross floor area, and
 - (ii) no more than one parking space for each housing or dwelling unit;
- (b) for non-residential uses, there must be at least:
 - (i) one Class A loading space for the first 100 m² to 465 m² of gross floor area,
 - (ii) one additional Class A loading space for 466 m² to 930 m² of gross floor area,
 - (iii) one additional Class A loading space for any portion of each 1 858 m² of gross floor area over 930 m²,
 - (iv) one Class B loading space for the first 100 m² to 929 m² of gross floor area,
 - (v) one additional Class B loading space for 930 m² to 2 788 m² of gross floor area, and
 - (vi) one additional Class B loading space for any portion of each 3 716 m² of gross floor area over 2 788 m².

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 levels 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 levels in decibels.

Portions of dwelling units	Noise levels (Decibels)
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 15th day of December, 2009.

