

CD-1 (642)

2133 Nanton Avenue and 4189 Yew Street
(formerly 4255 Arbutus Street)

By-law No. 11658

Being a By-law to Amend Zoning and Development By-law No. 3575

Effective November 1, 2016

Amended up to and including:

By-law No. 11749, dated March 7, 2017

By-law No. 12100, dated May 15, 2018

By-law No. 12749, dated July 21, 2020

By-law No. 13445, dated July 20, 2022

Consolidated for Convenience Only

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to this CD-1 By-law or provides an explanatory note.

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-635 (c) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Definitions

In this by-law:

- (a) “Adult Day Care Facility” means the use of premises by a non-profit society to provide non-residential supervision, social and recreational activity programs, personal care and related health care services, meals and information to persons as they age; and
- (b) “Geodetic Datum” means the current vertical reference surface adopted and used by the City of Vancouver.

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (642).

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

- (a) Adult Day Care Facility;
- (b) Cultural and Recreational Uses;
- (c) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this section;
- (d) Institutional Uses;
- (e) Live-Work Use;
- (f) Manufacturing Uses;
- (g) Office Uses;
- (h) Parking Uses;
- (i) Retail Uses;
- (j) Service Uses;

- (k) Utility and Communication Uses; and
- (l) Accessory Uses customarily ancillary to the uses permitted in this section.

[13445; 2022 07 20]

4 Conditions of use

4.1 All commercial uses and accessory uses must be carried on wholly within an enclosed building except for: [13445; 2022 07 20]

- (a) restaurant;
- (b) neighbourhood public house; and
- (c) display of flowers, plants, fruits, and vegetables, in conjunction with a permitted use.

4.2 Except for a financial institution, insurance office, travel agency or real estate office, no office use other than office entrances, shall be permitted across the full width of the front wall of any building, to a depth of 10.7 m on that portion of a storey having an elevation within 2.0 m of street grade on the fronting street. [12100; 2018 05 15]

4.3 The design and layout of at least 35% of the secured market rental dwelling units must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms; and
- (c) comply with Council's "*High Density Housing for Families with Children Guidelines*".

[12749; 2020 07 21]

5 Floor area and density

5.1 The floor area for all uses combined must not exceed 75 081 m² except that:

- (a) floor area for dwelling uses must not exceed 65 016 m²; and
- (b) floor area for non-dwelling uses must be at least 10 065 m².

[11749; 2017 03 07] [12749; 2020 07 21]

5.2 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, both above and below ground level, measured to the extreme outer limits of the building; and [11749; 2017 03 07]

5.3 Computation of floor area must exclude: [11749; 2017 03 07]

- (a) open residential balconies, sundecks, porches 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 12% of the residential floor area being provided; [12749; 2020 07 21]

- (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 at or below the base surface, except that the exclusion for a parking space must not exceed 7.3 m in length; and
- (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit, there is to be no exclusion for any of the residential storage area above base surface for that unit. [11749; 2017 03 07]

5.4 Computation of floor area may exclude: [11749; 2017 03 07]

- (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, except that:
 - (i) the total area of all open and enclosed balconies, must not exceed 8% of residential floor area, and
 - (ii) no more than 50% of excluded balcony floor area may be enclosed;
- (b) amenity areas, except the total exclusion must not exceed the lesser of 20% of permitted floor area or 1,400 m². [13445; 2022 07 20]
- (c) Adult Day Care Facility; and
- (d) Community Centre or Neighbourhood House.

[13445; 2022 07 20]

5.5 The use of floor area excluded under sections 5.3 and 5.4, must not include any purpose other than that which justified the exclusion. [11749; 2017 03 07]

5.6 The floor area for each of sub-areas B, C and D must not exceed the maximum for that sub-area as set out in the table below. [13445; 2022 07 20]

Sub-area	Maximum Floor Area
B	20,129 m ²
C	5,963 m ²
D	22,313 m ²

[12749; 2020 07 21] [13445; 2022 07 20]

5.7 The non-dwelling use floor area for each sub-area must not be less than set out in the table below. [13445; 2022 07 20]

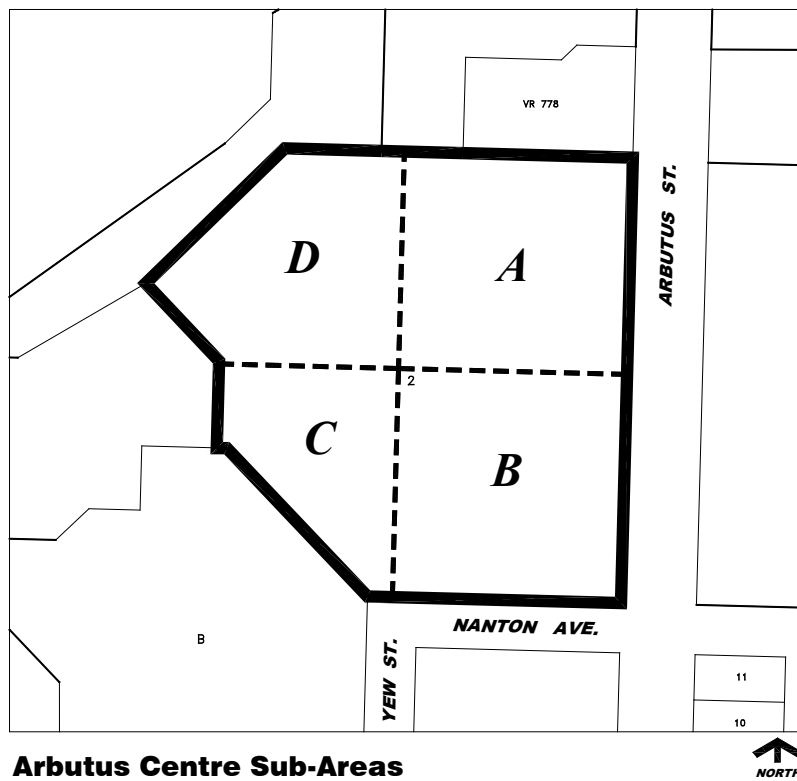
Sub-area	Minimum non-dwelling use Floor Area
A	6,499 m ²
B	2,647 m ²
C	224 m ²
D	695 m ²

[12749; 2020 07 21] [13445; 2022 07 20]

6 Sub-areas

The site is to consist of 4 sub-areas approximately as illustrated in Figure 1. [12749; 2020 07 21]

Figure 1



7 Building height

7.1 Building height on the site must be measured in metres referenced to Geodetic Datum.

7.2 Building height, measured from the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed the maximum heights set out on the table below.

Sub-area	Maximum building height
A	65 m
B	57 m
C	60 m
D	72 m

[12749; 2020 07 21]

7.3 Section 10.11 of the Zoning and Development By-law is to apply, except that, despite section 10.11 and section 7.2 of this By-law, the Director of Planning or Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for:

- (a) a mechanical penthouse; and
- (b) access and infrastructure required to maintain green roofs or urban agriculture, including stair and elevator enclosures, amenity areas, tool sheds, trellises and other garden structures, or roof-mounted energy technologies, including solar panels, wind turbines, and similar items, if the Director of Planning or Development Permit Board first considers:
 - (i) the effects on public and private views, shadowing, privacy, and noise impacts, and
 - (ii) all applicable policies and guidelines adopted by Council.

8 Horizontal angle of daylight

- 8.1 Each habitable room must have at least one window on an exterior wall of a building.
- 8.2 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.
- 8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window. [13445; 2022 07 20]
- 8.4 The Director of Planning or Development permit Board may relax the horizontal angle of daylight requirement if:
 - (a) The Director of Planning or Development Permit Board first considers all of the applicable policies and guidelines adopted by Council; and
 - (b) The minimum distance of unobstructed view is not less than 3.7 m.

- 8.5 An obstruction referred to in section 8.2 means: [13445; 2022 07 20]
- (a) Any part of the same building including permitted projections; or
 - (b) The largest building permitted under the zoning on any site adjoining CD-1 (642).
- 8.6 A habitable room referred to in section 8.1 does not include: [13445; 2022 07 20]
- (a) A bathroom; or
 - (b) A kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².
- [12749; 2020 07 21]

9 Parking, loading, and bicycle spaces

Any development or use of the site requires the provision and maintenance of off-street parking spaces, loading spaces, and bicycle spaces, in accordance with the Parking By-law. [12749; 2020 07 21]

10 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 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.

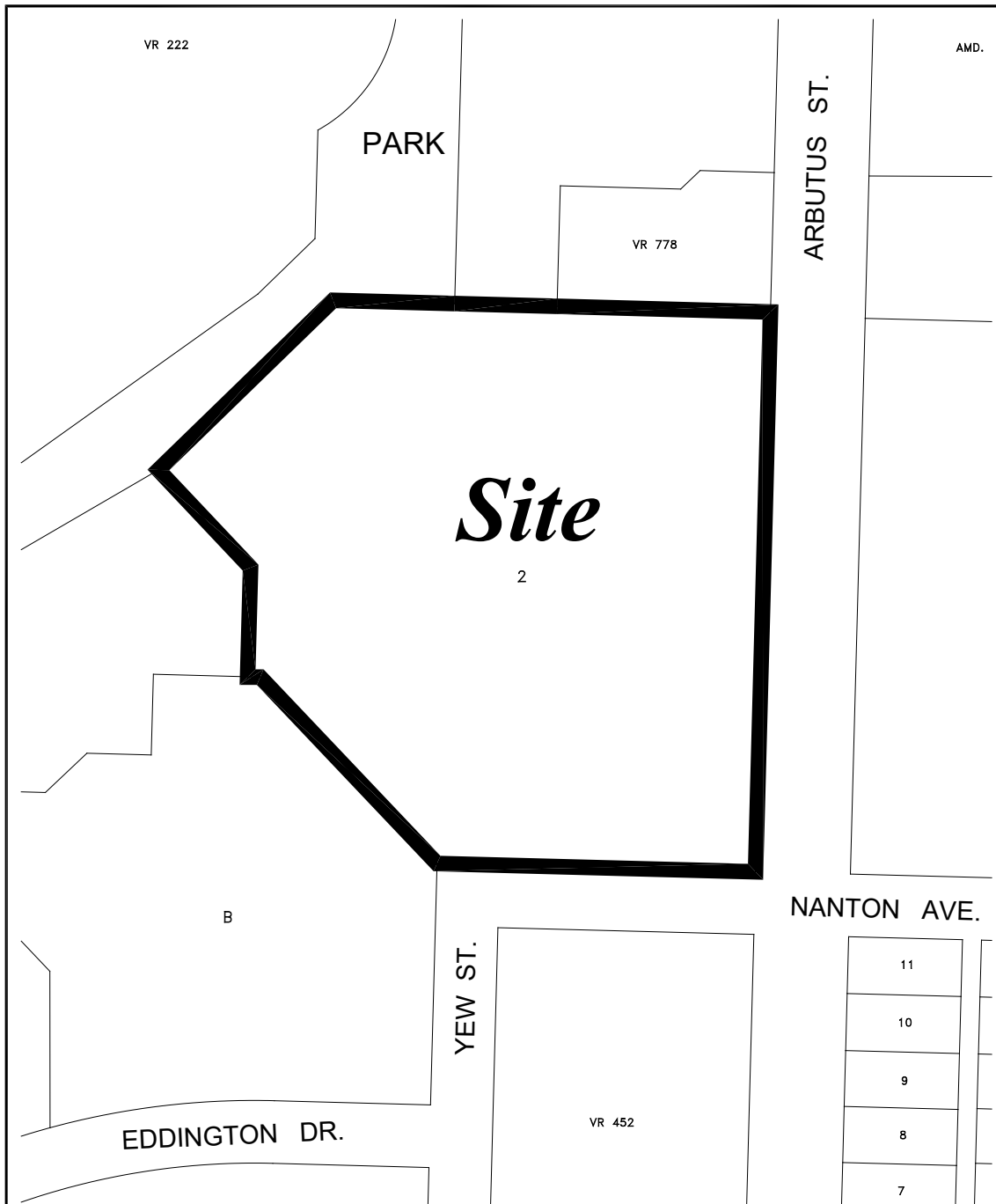
Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

[12749; 2020 07 21]

11 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. [12749; 2020 07 21]

- 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 certify the by-law number and date of enactment.]* [12749; 2020 07 21]



The property outlined in black () is rezoned:

From **CD-1** to **CD-1**

Z-635 (c)

RZ - 4255 Arbutus Street

map: 1 of 1

scale: NTS



City of Vancouver

date: June, 2011

Public Hearing – July 12 and 13, 2011 – Item 4 – [Agenda](#)

Summary – Rezone from CD-1 (78) to a new CD-1 to permit a mixed-use development with 500 units of residential (including 100 units of affordable housing), retail and office uses, a grocery store, a liquor store, a neighbourhood house and a public plaza.

By-law enacted on November 1, 2016 – [By-law No. 11658](#)

Public Hearing – January 24, 2017 – Item 1 – [Agenda](#)

Summary – Amend CD-1 (642), By-law No. 11658, to delete Transportation and Storage Uses, limited to a Mini-Storage Warehouse as a permitted use due to land use conflicts pursuant to the Vancouver Building By-law 2014 and the provincial Building Code. As a result of the removal of the use, a consequential reduction of maximum floor area for all uses and a reduction in the minimum commercial space are required.

By-law enacted on March 7, 2017 – [By-law No. 11749](#)

Public Hearing – December 12, 2017 – Item 2 – [Agenda](#)

Summary – Amend CD-1 (642), By-law No. 11658, to add Financial Institution to the uses permitted within the retail frontage of Block B, which was inadvertently omitted from the by-law.

By-law enacted on May 15, 2018 – [By-law No. 12100](#)

Public Hearing – July 18, 2018 – Item 5 – [Agenda](#)

Summary – Amend CD-1 (642), By-law No. 11658, to permit the development of an additional 8,016 m² (86,283 sq. ft.) of secured rental and social housing residential floor area, which is intended to help address housing needs in the area and changing conditions since the previous rezoning. The proposed amendment would result in 25 additional units of social housing accommodated in the development of Block A. The application also includes an expanded Neighbourhood House and Adult Day Centre, additional secured market and below-market rental housing, as well as a contribution towards construction of the Arbutus Greenway. A reduction of 1,000 sq. m (10,764 sq. ft.) of office space is proposed.

By-law enacted on July 24, 2020 – [By-law No. 12749](#)

Public Hearing – July 12, 2022 – Item 1 – [Agenda](#)

Summary – To make miscellaneous amendments to: CD-1 (816) at 110 West 4th Avenue, CD-1 (642) at 2133 Nanton Avenue (formerly 4255 Arbutus Street), CD-1 (473) at East Fraser Lands Non-High Street, and CD-1 (276) at 1041 Southwest Marine Drive; to improve clarity, update references, correct inadvertent errors or omissions, and/or improve the administration of the by laws.

By-law enacted on July 20, 2022 – [By-law No. 13445](#)