



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

**Planning, Urban Design and Sustainability Department**

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## CD-1 (674)

*3205 - 3221 West 41st Avenue and  
5590 Balaclava Street*

*By-law No. 11894*

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

***Effective September 19, 2017***

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-616(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 (674).

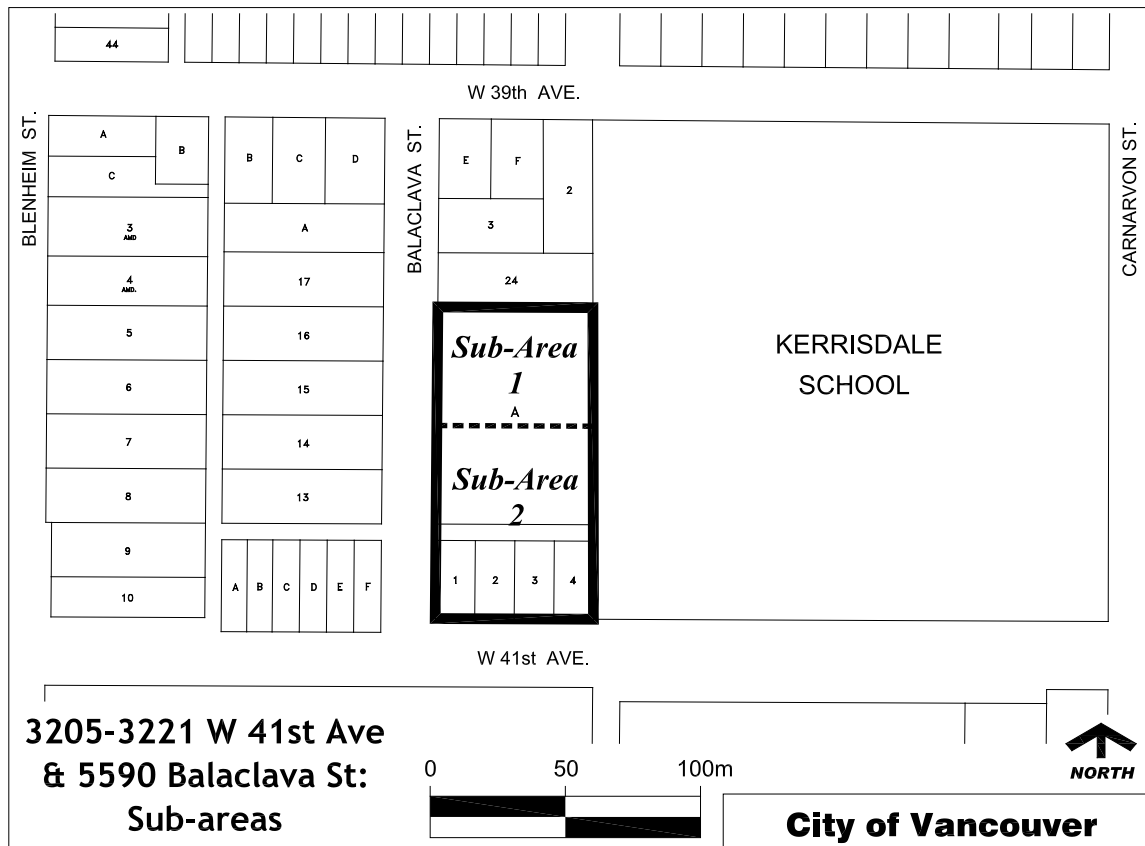
2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (674) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses, limited to Community Centre and Neighbourhood House;
- (b) Dwelling Uses, limited to Multiple Dwelling and Seniors Supportive or Assisted Housing;
- (c) Institutional Uses, limited to Child Day Care Facility and Church; and
- (d) Accessory Buildings and Accessory Uses customarily ancillary to the uses listed in this section 2.2.

3 Sub-areas

3.1 The site is to consist of sub-areas 1 and 2 illustrated in Diagram 1.

Diagram 1



- 3.2 The only principal uses permissible in sub-area 1 are institutional uses and cultural and recreational uses.
- 3.3 The only principal uses permissible in sub-area 2 are dwelling uses.
- 4 Density
- 4.1 The floor area for all uses, combined, must not exceed 9 222.0 m<sup>2</sup>.
- 4.2 The floor area for all uses, combined, in sub-area 1, must not exceed 1 087 m<sup>2</sup>.
- 4.3 The floor area for all uses, combined, in sub-area 2, must not exceed 8 135 m<sup>2</sup>.
- 4.4 Computation of floor space ratio must include:
- (a) all floors, including earthen floors, 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, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.
- 4.5 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 residential floor area being provided;
  - (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 except that the exclusion for a parking space must not exceed 7.3 m in length, or
    - (ii) in the case of off-street parking, above the base surface in an accessory building in the rear yard except that the exclusion for a parking space must not exceed 7.3 m in length;
  - (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, or
    - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
  - (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) floors located at or below finished grade with a ceiling height of less than 1.2 m;
  - (g) neighbourhood amenity areas for the social and recreational enjoyment of residents, or that provide a service to the public, including facilities for general fitness or general recreation, the provision of services to seniors and child day care, except that the total area excluded must not exceed 922.2 m<sup>2</sup>;
  - (h) 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

- (i) 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.

4.6 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board, trellises and other garden structures which support the use of intensive green roofs and urban agriculture.

## 5 Building height

5.1 The building height, measured above building grade, must not exceed:

- (a) 9.8 m in sub-area 1, except that the height of the existing church, measured using elevation datum, must not exceed the lesser of 14.7 m and its existing height; and
- (b) 13.9 m in sub-area 2.

5.2 The Director of Planning, at his or her discretion, may permit a height greater than 13.9 m for:

- (a) architectural appurtenances, such as elevator enclosures and stairwells, that:
  - (i) are necessary to give access to a rooftop garden,
  - (ii) combined, do not exceed one-third of the width of the building as measured on any elevation drawings, and
  - (iii) combined, do not cover more than 10% of the roof area; and
- (b) railings, trellises, screens, planters, and other similar elements that are an integral part of the rooftop garden or of the decks and balconies.

## 6 Setbacks

6.1 The setback of each building in sub-area 1 must be at least 2.1 m from the north property line, except that the setback for the existing church must be at least 1.2 m from the north property line.

6.2 The setback of each building in sub-area 2 must be at least 3.0 m from the south property line.

6.3 The setback of each building must be at least:

- (a) 1.00 m from the east property line; and
- (b) 1.50 m from the west property line.

## 7 Horizontal angle of daylight

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

7.2 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 24.4 m.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

- 7.4 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 relax the horizontal angle of daylight requirement.

7.5 An obstruction referred to in section 7.2 means:

- (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 (674).

7.6 A habitable room referred to in section 7.1 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>.

## 8 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 there must be:

- (a) at least one parking space for each 100 m<sup>2</sup> of gross floor area;
- (b) no more than the minimum number of parking spaces required plus 0.5 space for each dwelling unit;
- (c) at least 0.1 visitor parking space for each dwelling unit;
- (d) no more than 0.2 visitor parking space for each dwelling unit;
- (e) at least 0.2 shared vehicle parking space for each dwelling unit;
- (f) at least one parking space for each 11 m<sup>2</sup> of the floor area used for church;
- (g) at least two child day care facility staff parking spaces;
- (h) at least one child day care facility drop-off space for each eight children;
- (i) at least three bicycle spaces, Class A and three bicycle spaces, Class B for the use of the child day care facility staff;
- (j) at least one disability parking space for the first seven dwelling units plus 0.034 disability parking space for each additional dwelling unit;
- (k) at least one disability parking space for the first 500 m<sup>2</sup> of any other use plus 0.4 disability parking space for each additional 1 000 m<sup>2</sup> of gross floor area; and
- (l) at least 0.5 parking space for each dwelling unit, for an electrically powered scooter having two or more wheels for the sole use of a person who has mobility challenges as a result of a physical disability or illness, with an electrical outlet at each space.

## 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 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

10 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.

11 Force and effect

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

ENACTED by Council this 19th day of September, 2017.

