



City of Vancouver *Zoning and Development By-law*

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CD-1 (492)

5912 - 5970 Oak Street

By-law No. 10129

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

Effective September 21, 2010

(Amended up to and including By-law No.10186, dated December 14, 2010)

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-621 (a) 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 (492).

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 (492) 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 Floor area and Density

3.1 Computation of floor space ratio must assume that the site consists of 3 065 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 number of dwelling units on the site must not exceed 27.

3.3 The floor space ratio for all permitted uses must not exceed 1.0.

3.4 Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, above and below ground level, 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.

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;
- (b) patios and roof gardens if the Director of Planning first approves the design of sunroofs and walls;
- (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:
 - (i) at or below base surface, or
 - (ii) above the base surface, and, if developed as off-street parking, located in an accessory building situate in the rear yard,

except that:

- (iii) the exclusion for a parking space must not exceed 7.3 m in length, and
- (iv) the exclusion for heating and mechanical equipment in each dwelling unit must not exceed 1.4 m² ;
- (d) amenity areas, including day care facilities, recreation facilities, and meeting rooms, except that the exclusion must not exceed, in aggregate, 10% of the permitted floor area;
- (e) 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;
- (f) all residential storage space above or below base surface, except that if the residential storage spaces 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 shall not apply to walls in existence prior to March 14, 2000;
- (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 subsection (ii) meets the standards set out therein; and
- (i) covered verandas or porches if:
 - (i) open or protected by partial walls or guard rails, the height of which must not exceed the minimum specified in the Building By-law, and
 - (ii) the total area of such exclusions, when combined with the balcony and deck exclusions under subsection (a), does not exceed 13% of the permitted floor area. [10186; 10 12 14]

4 Building height

4.1 The building height must not exceed 10.7 m measured from base surface.

4.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as:
 - (i) elevator enclosures, lobbies, and stairwells that provide access for building occupants to rooftop common area,
 - (ii) guardrails that do not exceed the minimum height specified in the Building By-law, and
 - (iii) pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture,
 will not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
- (b) the Director of Planning or Development Permit Board first considers:
 - (i) all applicable policies and guidelines adopted by Council,
 - (ii) the submission of any advisory group, property owner, or tenant, and
 - (iii) the effects on public and private views, shadowing, privacy, and open spaces,
 the Director of Planning or Development Permit Board may allow a greater height for any such structure.

5 Setbacks

The setbacks must be at least:

- (a) 3.66 m from the north and west property lines;
- (b) 4.57 m from the south and property lines; and
- (c) 3.96 m from the east property line. [10186; 10 12 14]

6 Parking and bicycle spaces

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations and exemptions in, the Parking By-law, of off-street parking spaces and bicycle spaces, all as defined under the Parking By-law, except that off-street parking spaces must include:

- (a) at least 1 residential parking space for each 120 m² of gross floor area, except that no more than 2 residential parking spaces for each dwelling unit need be provided; and
- (b) visitor parking spaces, at a rate of not less than 0.1 space and not more than 0.2 space for each dwelling unit, separated from the residential parking spaces.

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 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 m².

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 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

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 21st day of September, 2010.



The property outlined in black () is rezoned:
From **RS-1** to **CD-1**

Z-621 (a)

RZ - 5912-5970 Oak Street

map: 1 of 1

scale: NTS



City of Vancouver

date: 2010-04-27