

CD-1 (758)

1956-1990 Stainsbury Avenue

By-law No. 12869

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

Effective January 20, 2021

Amended up to and including:

By-law No. 12968, dated April 27, 2021

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.

Zoning District Plan Amendment

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-763 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D of By-law No. 3575.

Designation of CD-1 District

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 (758).

Definitions

3. Words in this By-law have the meaning given to them in the Zoning and Development By-law, except that:
 - (a) for the purposes of calculating the total dwelling unit area for section 5.1 of this By-law, "Dwelling Unit Area" is the floor area of each dwelling unit, measured to the inside of all perimeter walls, excluding any floor area as required by section 6.4 of this By-law; and
 - (b) "Moderate Income Rental Housing Units" means dwelling units that meet the requirements of approved Council policies and guidelines for Moderate Income Rental Housing, as secured by a housing agreement registered on title to the property.

Uses

4. 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 (758), 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;
 - (b) Retail Uses, limited to Public Bike Share; and
 - (c) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 5.1 A minimum of 20% of the total dwelling unit area must be Moderate Income Rental Housing Units.

- 5.2 The design and layout of at least 35% of the 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".
- 5.3 The Director of Planning or Development Permit Board may vary the percentage of family units indicated in section 5.2, taking into consideration all applicable Council policies and guidelines.
- 5.4 There shall be no dwelling units above the fifth storey.

Floor Area and Density

- 6.1 Computation of floor space ratio must assume that the site consists of 2,137 m² being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.
- 6.2 The floor space ratio for all uses must not exceed 2.67.
- 6.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floors, both above and below base surface, measured to the extreme outer limits of the building.
- 6.4 Computation of floor area and dwelling unit area must exclude: [12968; 2021 04 27]
- (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:
 - (i) the total area of all such exclusions must not exceed 12% of the permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof gardens, if the Director of Planning first approves the design of the 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 that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
 - (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area; and

- (e) 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 will be no exclusion for any of the residential storage area above base surface for that unit.
- 6.5 The use of floor area excluded under section 6.4 must not include any use other than that which justified the exclusion.
- 6.6 Where floor area associated with storage space is excluded under section 6.4 (e), a minimum of 20% of the excluded floor area must be located within the Moderate Income Rental Housing Units.

Building Height

- 7. Building height, measured from base surface to top of parapet, must not exceed 20.32 m. except that no part of the development shall protrude into the approved view corridors, as set out in the City of Vancouver View Protection Guidelines. [12968; 2021 04 27]

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.
- 8.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council, and:
 - (a) the minimum distance of unobstructed view is not less than 3.7 m; or
 - (b) the habitable room is within a unit assigned to moderate income households and containing a minimum of three bedrooms, where the horizontal angle of daylight requirements is relaxed for no greater than one of the habitable rooms in in the unit.
- 8.5 An obstruction referred to in section 8.2 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 (758).

- 8.6 A habitable room referred to in section 8.1 does not include:
- (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.

Acoustics

9. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustic engineer demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be 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

Zoning and Development By-law

10. Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 (758).

Severability

11. 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.

Force and effect

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.]*

Schedule A



Public Hearing – January 21 and 28, 2020 – Item 3 – [Agenda](#)

Summary – Rezone from RS-1A to permit a 5-storey residential building with 80 secured rental housing units with 20% of the residential floor area being secured as moderate income units.

By-law enacted on January 20, 2021– [By-law No. 12869](#)

Public Hearing – April 13, 2021 – Item 1 – [Agenda](#)

Summary –Amend CD-1 (758), By-law No. 12869, to correct an error on the maximum approved height that includes an indoor rooftop amenity space and clarify how floor area exclusions are calculated for Moderate Income Rental Housing Pilot Program (MIRHPP) projects.

By-law enacted on April 27, 2021– [By-law No. 12968](#)