

155 East 37th Avenue (Little Mountain)

**BY-LAW NO. 12195**

**A By-law to amend  
Zoning and Development By-law No. 3575  
to rezone an area to CD-1**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

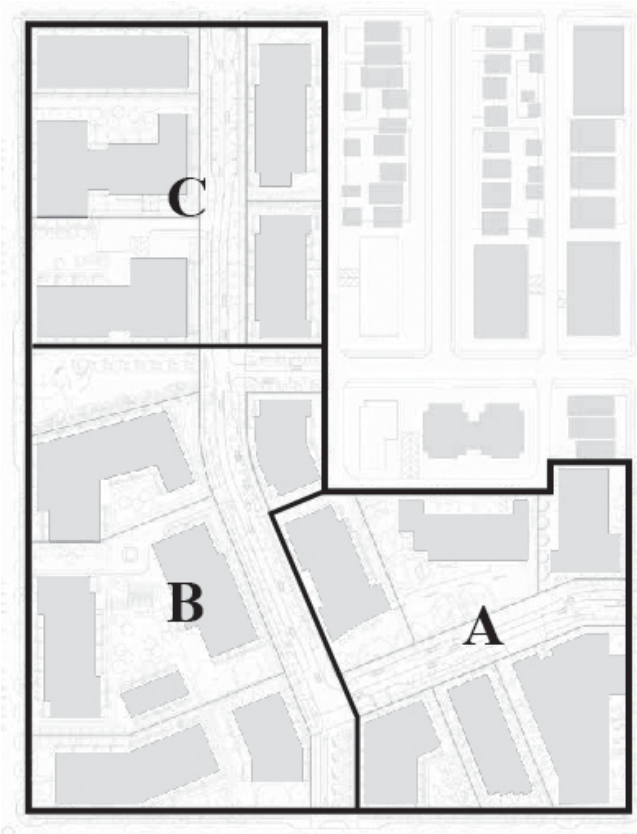
**Zoning District Plan Amendment**

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-708 (b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

**Sub-areas**

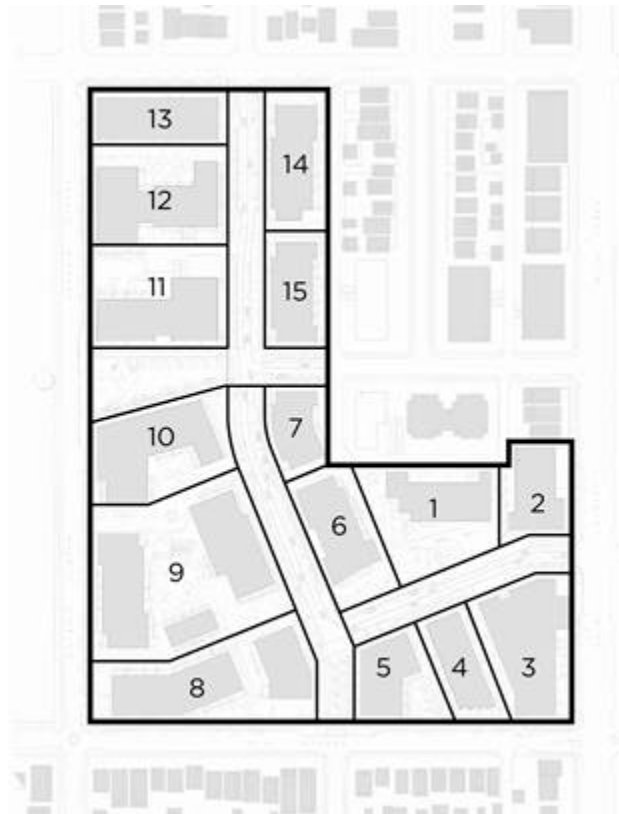
2.1 The site is to consist of three sub-areas generally as illustrated in Figure 1, solely for the purpose of calculating maximum permitted floor area and allocating permitted uses.

**Figure 1: Sub-areas for Maximum Permitted Floor Area and Permitted Uses**



2.2 The site is to consist of fifteen sub-areas generally as illustrated in Figure 2, solely for the purpose of allocating and calculating maximum permitted building storeys and building height.

**Figure 2: Sub-areas for Maximum Permitted Building Storeys and Building Height**



### Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (704).

3.2 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 (704), 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 Arcade, Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Park or Playground, Swimming Pool, or Theatre;
- (b) Multiple Dwelling, Dwelling Uses in conjunction with any use listed in this section 3.2, and lock-off units;

- (c) Institutional Uses, limited to Child Day Care Facility, Church, Public Authority Use, and Social Service Centre;
- (d) Manufacturing Uses, limited to Jewelry Manufacturing, Printing or Publishing and Brewing or Distilling;
- (e) Office Uses;
- (f) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Liquor Store, Public Bike Share, Retail Store, Secondhand Store, Small-scale Pharmacy, or Vehicle Dealer;
- (g) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Hotel, Laboratory, Laundromat or Dry Cleaning Establishment, Motor Vehicle Wash, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, or Wedding Chapel; and
- (h) Accessory Uses customarily ancillary to the above uses.

### **Conditions of use**

4.1 Notwithstanding the provisions of section 3.2, the only uses permitted in Sub-areas B and C of Figure 1 are multiple dwelling and lock-off units, and accessory uses customarily ancillary to those uses.

4.2 All commercial uses permitted by this By-law must be carried on wholly within a completely enclosed building except for:

- (a) Farmers' Market;
- (b) Restaurant;
- (c) Neighbourhood Public House; and
- (d) Display of plants, flowers, fruit and vegetables in conjunction with a permitted use.

4.3 The design and lay-out 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".

4.4 No portion of the first storey of any building located on Main Street, to a depth of 10.7 m from the east wall of the building and extending across its full width along Main Street

may be used for residential purposes except for entrances to the residential portion.

### **Floor area and density**

5.1 The floor area for all permitted uses in each sub-area of Figure 1 must not exceed the maximum permitted floor area set out in the following table:

**Table A**  
**Maximum Permitted Floor Area**

<b>Sub-area of Figure 1</b>	<b>Maximum permitted floor area</b>
A	43,481 m <sup>2</sup>
B	57,777 m <sup>2</sup>
C	53,356 m <sup>2</sup>

5.2 Notwithstanding the provisions of section 5.1 and Table A, the minimum permitted floor area for non-residential uses in Sub-area A of Figure 1 is 4,916 m<sup>2</sup>.

5.3 Computation of floor area must include:

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

5.4 Computation of floor area 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:
  - (i) the total area of all such exclusions must not exceed 12% of the residential floor area, and
  - (ii) no enclosure of balconies is permissible for the life of the building;
- (b) patios and roof gardens, only if the Director of Planning first approves the design of sunroofs and walls; and
- (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.

5.5 The use of floor area excluded under section 5.4 must not include any use other than that which justified the exclusion.

## Building heights and number of storeys

6. Buildings, measured above base surface, and to the top of the roof slab above the uppermost habitable floor excluding parapet wall, must not exceed the maximum permitted number of storeys or the maximum permitted height in each sub-area of Figure 2, as set out in Table B.

**Table B**  
**Maximum Permitted Building Storeys**  
**and Building Height**

<b>Sub-area of Figure 2</b>	<b>Maximum Permitted Storeys</b>	<b>Maximum Permitted Height</b>
1	6	20 m
2	8	26 m
3	8	26 m
4	5	18 m
5	6	20 m
6	10	32 m
7	8	26 m
8	6	20 m
9	12	37 m
10	9	29 m
11	12	37 m
12	10	32 m
13	6	20 m
14	6	20 m
15	6	20 m

## 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 24.0 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 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirements in section 7.2 and 7.3 if the Director of Planning or Development Permit Board first considers any applicable policies and guidelines.

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 (704).

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) 10% or less of the total floor area of the dwelling unit; or
  - (ii) 9.3 m<sup>2</sup>.

**Acoustics**

8. 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

**Severability**

9. 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.

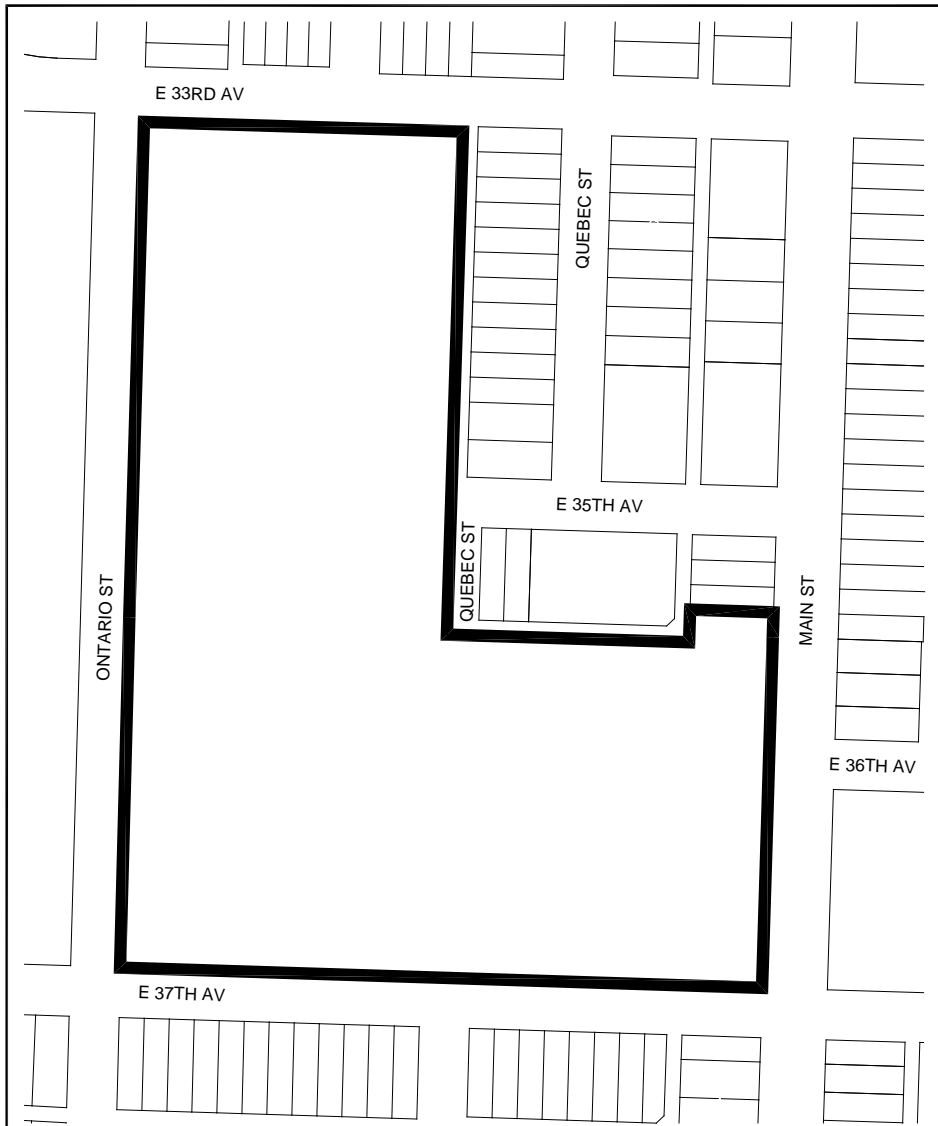
**Force and effect**

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

ENACTED by Council this 24<sup>th</sup> day of July, 2018

Signed \_\_\_\_\_ "Gregor Robertson"  
Mayor

Signed \_\_\_\_\_ "Katrina Leckovic"  
City Clerk



The property outlined in black (  ) is rezoned:  
From **RM-3A** to **CD-1**

**Z-708 (b)**

RZ - 155 East 37th Avenue

map: 1 of 1  
scale: NTS



**City of Vancouver**