

6110-6170 Oak Street and 975 West 46<sup>th</sup> Avenue

**BY-LAW NO. 10654**

**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-650 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

**Uses**

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (543).

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 (543), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Multiple Dwelling; and
- (b) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

**Floor Area and Density**

3.1 Computation of floor space ratio must assume that the site consists of 3 915 m<sup>2</sup>, 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 floor space ratio for all uses must not exceed 1.00.

3.3 Computation of floor area must include:

- (a) all floors, including earthen floor, 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.

3.4 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, provided that the total area of all exclusions does not exceed 8% of permitted floor area;
- (b) porches, patios and roof gardens, provided that 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 at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) areas of undeveloped floors which are 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) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (f) amenity areas, including recreation facilities and covered outdoor structures provided the total area being excluded does not exceed 10% of permitted floor area; and
- (g) 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> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.

3.5 Computation of floor area may exclude:

- (a) enclosed residential balconies, at the discretion of the Director of Planning, if:
  - (i) the Director of Planning first considers all applicable Council policies and guidelines,
  - (ii) the total area of all open and enclosed balconies or sundeck exclusions does not exceed 8% of the residential floor area provided, and
  - (iii) no more than 50% of excluded balcony floor area is enclosed.

3.6 The use of floor area excluded under sections 3.4 and 3.5 must not include any purpose other than that which justified the exclusion.

## Height

4.1 Building height must not exceed 10.7 m measured above base surface.

## Setbacks

5.1 Setbacks must be at least:

- (a) 4.5 m from the west property line;
- (b) 4.5 m from the east property line;
- (c) 4.5 m from the north property line; and
- (d) 3.6 m from the south property line.

5.2 Despite the provisions of section 5.1, the Director of Planning may allow projections into the required setbacks if:

- (a) the Director of Planning first considers all applicable Council policies and guidelines; and
- (b) portions of buildings which may project into required setbacks are:
  - (i) bay windows which project no more than 0.6 m into a required setback or 0.6 m from the building face,
  - (ii) balconies, eaves, bays or similar features designed to meet required building energy goals,
  - (iii) entry porches located at the basement or first storey which project no more than 2.14 m from the first storey wall,
  - (iv) cantilevered eaves forming part of a porch which project no more than 0.6 m beyond the porch,
  - (v) chimneys or piers no more than 0.7 m wide which project no more than 0.7 m into the required setbacks,
  - (vi) underground parking and storage structures located entirely below grade,
  - (vii) access structures to underground parking located in the required setback from the east property line, and
  - (viii) hydro and gas utility meters, vaults or similar equipment located in the required setback from the east property line.

## Horizontal Angle of Daylight

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

6.2 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.

6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

6.4 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 the 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.

6.5 An obstruction referred to in section 6.2 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 (543).

6.6 A habitable room referred to in section 6.1 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

7. 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

**Severability**

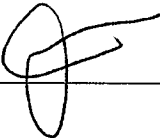
8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

**Force and Effect**

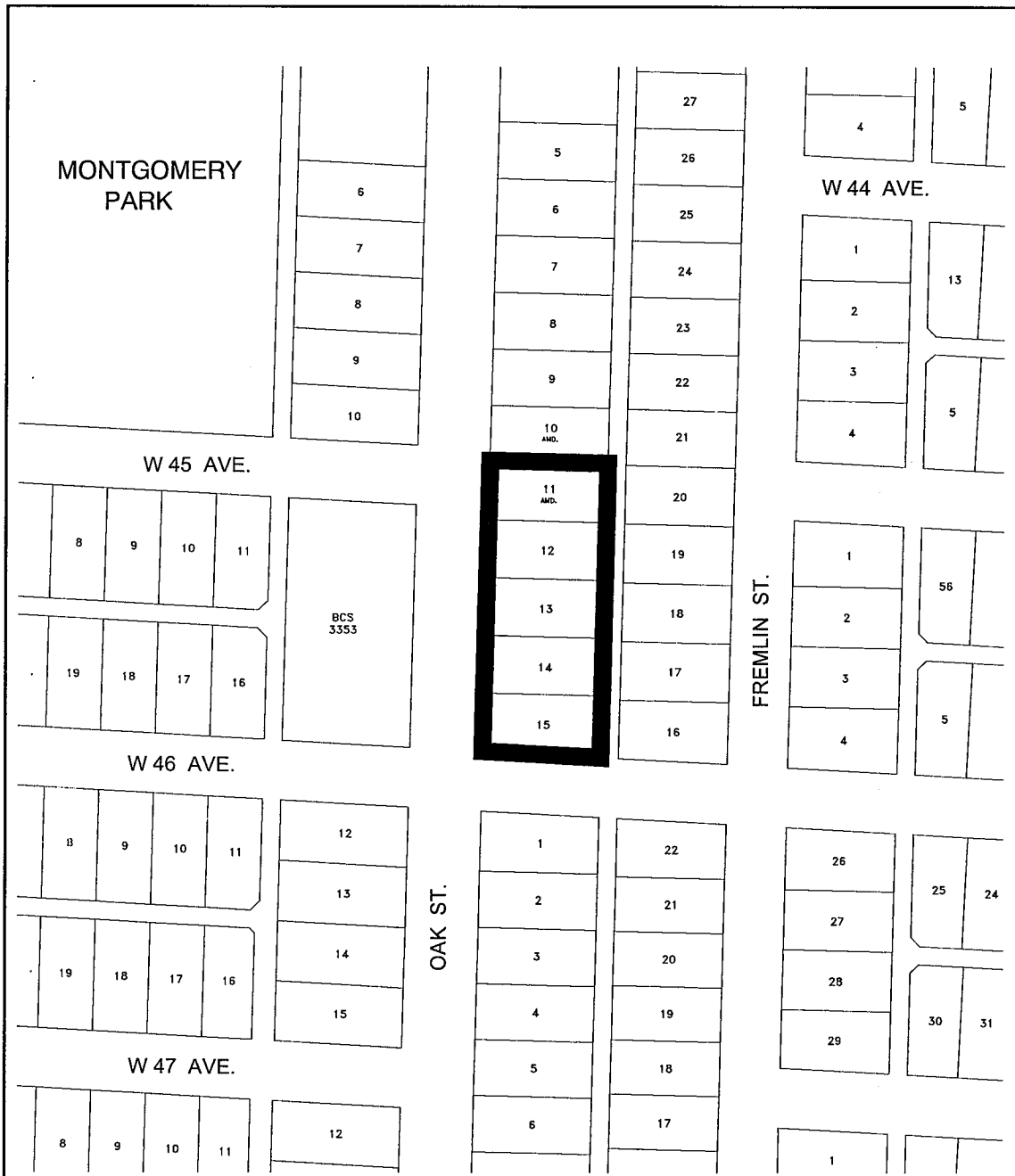
9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 26<sup>th</sup> day of February , 2013

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

**Schedule A**



The properties outlined in black (  ) are rezoned:  
From **RS-1** to **CD-1**

**Z-650 (a)**

**RZ - 6110-6170 Oak Street & 975 West 46th Avenue**

map: 1 of 1  
scale: NTS



**City of Vancouver**

date: 2012-10-18