

2803 West 41st Avenue

BY-LAW NO. 10817

A By-law to amend CD-1 By-law No. 4674

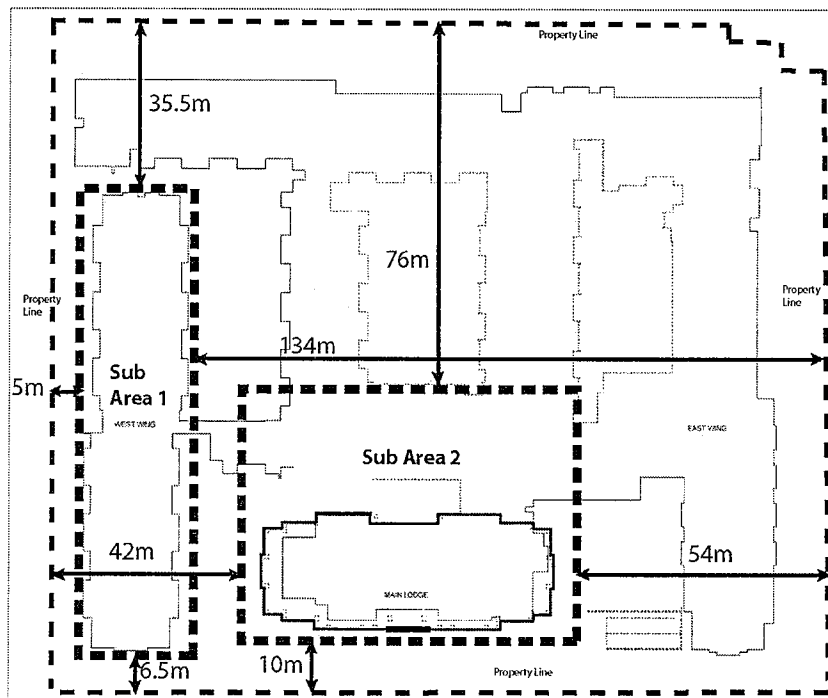
THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of By-law 4674.
2. Council repeals subsections 2(a) and (b) and substitutes:
 - “ (a) Dwelling Uses, limited to Seniors Supportive or Assisted Housing;
 - (b) Institutional Uses, limited to Community Care Facility - Class B and Adult Day Care Facility; and
 - (c) Accessory uses customarily ancillary to the above uses.”
3. After section 2, Council adds:

“3 Sub-areas

Portions of the site are to consist of sub-areas 1 and 2, illustrated in Diagram 1 for the purpose only of determining building heights in those sub-areas and in the remainder of the site.

Diagram 1



”

4. Council repeals section 3 **Floor Space Ratio**, and substitutes:

“4 Density

4.1 Floor space ratio must not exceed 1.12.

4.2 Computation of floor space ratio must include:

- (a) all floors of all buildings, both above and below ground level, measured to the extreme outer limits of the buildings; and
- (b) stairways, fire escapes, elevator shafts, and other features, which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

4.3 Computation of floor space ratio must exclude:

- (a) open residential balconies or sun decks 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 such exclusions must not exceed 8 percent of the residential floor area;
- (b) patios and roof gardens, only 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 at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) day care facilities to a maximum floor area of 10 percent of the permitted floor area, if the Director of Planning, on the advice of the Managing Director of Social Development, is satisfied there is a need for a day care facility in the immediate neighbourhood;
- (e) amenity areas including recreation facilities, and meeting room, except that the total area excluded must not exceed 10 percent of permitted floor space;
- (f) 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;
- (g) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (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 shall 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 subsection (ii) meets the standards set out therein.”

5. Council repeals section 4 **Height**, and substitutes:

“5 Height

The maximum height of buildings measured above the base surface is the lesser of 10.7 m or three storeys, except that:

- (a) in sub-area 1, the building height must not exceed 14.3 m or three storeys; and
- (b) in sub-area 2, the building height must not exceed 24.3 m or six storeys; and
- (c) eaves, gutters, sills, chimneys or other similar projections as determined by the Director of Planning, may project beyond the sub-area to a maximum of 750 mm measured horizontally.”

6. After section 5 **Height**, Council adds:

“6 Setbacks

- 6.1 Except in sub-area 2, the setbacks of buildings at or above grade must be at least:

- (a) 6.5 m from the south property line, except that a porte cochere and solaria, open structures or other elements which the Director of Planning deems to be similar, no greater than 7.0 m in height may be permitted in the required setback;
- (b) 5.0 m from the west property line;
- (c) 7.3 m from the east property line; and
- (d) 10.7 m from the north property line.

- 6.2 In sub-area 2, the setbacks of buildings at or above grade must be at least:
- (a) 10.0 m from the south property line, except that a porte cochere, and solaria, open structures or other elements which the Director of Planning deems to be similar, no greater than 7 m in height may be permitted in the required setback;
 - (b) 42 m from the west property line;
 - (c) 54 m from the east property line; and
 - (d) 76 m from the north 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 24.0 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 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 (83).
- 7.5 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 m².”

7. Council repeals section 5 **Off-street Parking** and substitutes:

“8 Parking, Loading, and Bicycle Parking

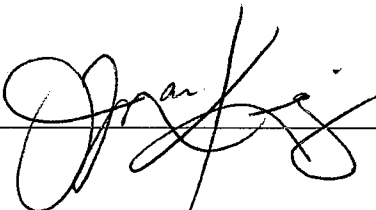
Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in the Parking By-law, of off-street parking, loading, bicycle and passenger spaces.”

8. Council re-numbers section "6" in By-law number 4674 as section "9".
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.
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 22nd day of October , 2013



Mayor



City Clerk