

1729 - 1735 East 33rd Avenue

BY-LAW NO. 10901

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

WHEREAS THE COUNCIL OF THE CITY OF VANCOUVER wishes to encourage the development of innovative housing models, including co-housing, a form of multiple dwelling which incorporates significant common amenity areas, and in which regular communal use of common amenity areas in conjunction with approved dwelling uses is supported and required;

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-656 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2. The definitions in the Zoning & Development By-law apply to this by-law except that:

“Common Amenity Area” means floor area whose use is shared by all residents in conjunction with approved dwelling uses, and includes two communal guest rooms, one communal childrens’ indoor play area, one communal bathroom, one communal laundry room, one communal office, one communal kitchen, one communal dining room or great room, one communal lounge, one communal exercise studio, one communal workshop, one communal bicycle repair room, one communal roof-top deck or any other communal uses which, in the opinion of the Director of Planning, are similar to the foregoing communal uses.

“Communal dining room or great room” means a dining room used by residents for a communal meal on no less than twenty days per month.

“Communal kitchen” means a kitchen used by residents to prepare a communal meal on no less than twenty days per month.

“Multiple Dwelling (Co-housing)” means a multiple dwelling in which no less than 20% of permitted floor area is common amenity area.

Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (564).

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

- (a) Dwelling Use, limited to Multiple Dwelling (Co-housing); and
- (b) Accessory Uses customarily ancillary to the uses listed in this section 3.2.

Condition of Use

4.1 There must be no more than 31 dwelling units on the site.

Floor Area and Density

5.1 Computation of floor space ratio must assume that the site consists of 2 749 m², being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

5.2 Floor space ratio for all uses must not exceed 1.10, except that at least 20% of floor area must consist of common amenity area.

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, measured to the extreme outer limits of the building;
- (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; and
- (c) where the distance from a floor to the floor above, or where there is no floor above to the top of the roof joists, exceeds 3.7 m, an amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude additional height in combination with:
 - (i) an undeveloped floor area beneath roof elements which are, in the opinion of the Director of Planning, solely for decorative purposes and to which the only means of access is a hatch, residential lobby or mechanical penthouse, or

- (ii) venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation.

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, provided that the total area of all exclusion does not exceed 8% of permitted floor area;
- (b) 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 of floors so used, which:
 - (i) are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
 - (ii) are above base surface and, where developed as off-street parking are located in an accessory building situated in the rear yard, 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; and
- (f) all residential storage space below base surface.

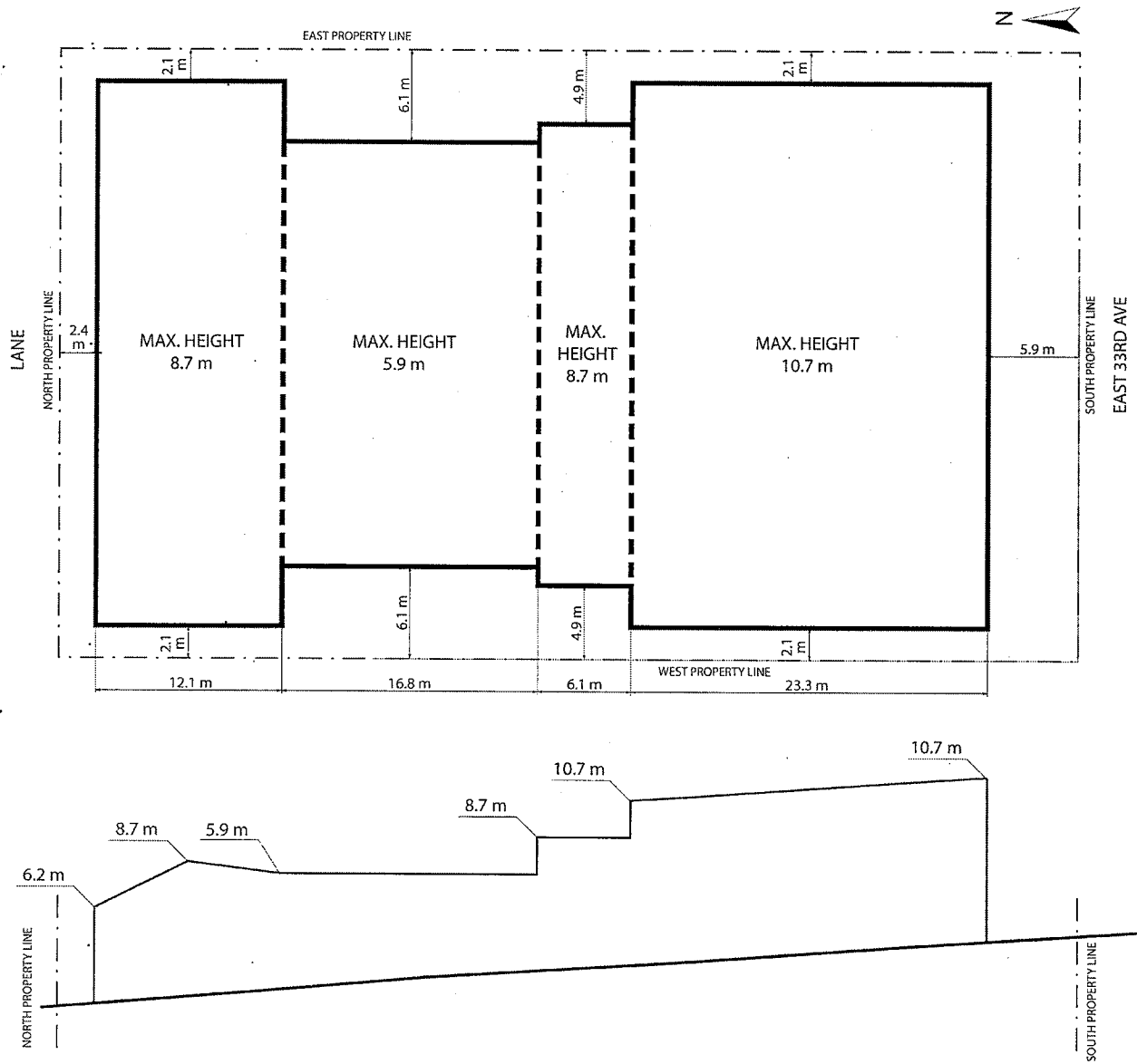
5.5 The use of floor area excluded under section 5.4 must not include any purpose other than that which justified the exclusion.

Height and Setbacks

6.1 Maximum building height, measured above base surface, must conform with the building heights illustrated in Diagram 1 below.

6.2 Minimum building setbacks must conform with the building setbacks illustrated in Diagram 1 below.

Diagram 1



Site Coverage

7.1 The maximum site coverage for buildings shall be 55 % of the site area.

7.2 Site coverage for buildings shall be based on the projected area of the outside of the outermost walls of all buildings, but excludes steps, eaves, balconies, and sun decks.

7.3 In the case of a sloping site where a structure is located at or below base surface, the structure shall be excluded from the site coverage calculation provided that it does not,

except for required earth cover, permitted fences and similar items, project above the average elevation of the portions of the streets, lanes or sites located adjacent to such structure, and does not, in any event, project more than 1.0 m above the actual elevation of adjoining streets, lanes and sites.

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 If:

- (a) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of 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.

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 (564).

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. 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

10. 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.

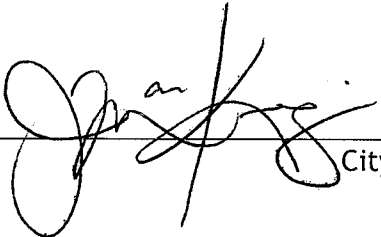
Force and Effect

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

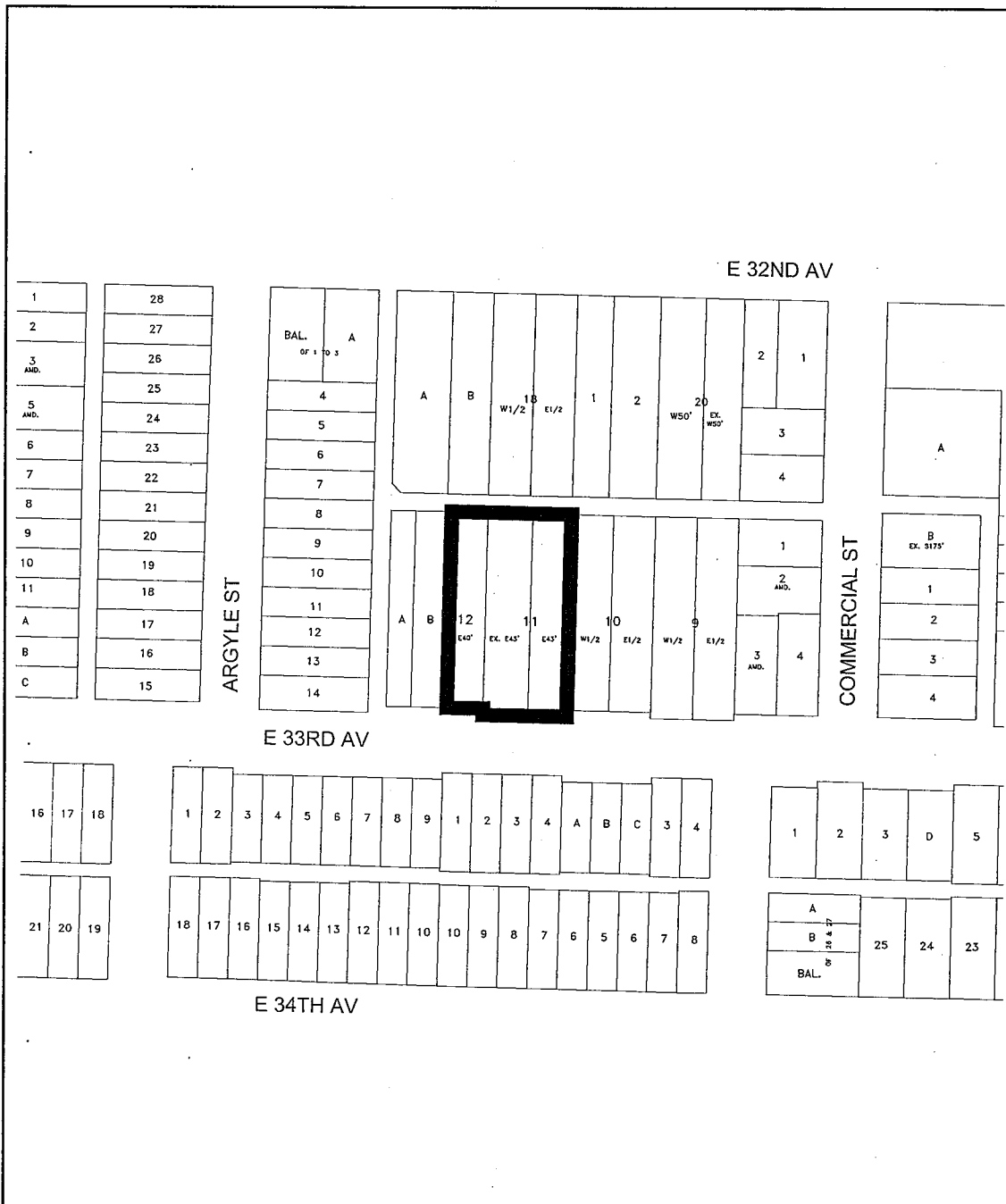
ENACTED by Council this 1st day of April, 2014



Mayor



City Clerk



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

Z-656 (a)

RZ - 1729-1735 E 33rd Avenue

map: 1 of 1
 scale: NTS



City of Vancouver

date: 2013-02-25