

3323-3367 East 4th Avenue
(Beulah Gardens)

BY-LAW NO. 11163

**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-673 (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 (597).

2.2 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 the By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses; and
- (b) Accessory Uses customarily ancillary to any use permitted in this Section.

Floor area and density

3.1 For the purposes of computing floor space ratio, the site is deemed to be 3,416.5 m², being the site size at the time of application for rezoning, prior to any dedications.

3.2 Floor space ratio for all uses must not exceed 1.45.

3.3 Computation of floor area must include 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.

3.4 Computation of floor area must include:

- (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:
 - (i) the total area of all exclusions does 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;
- (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; and
- (d) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² 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, at the discretion of the Director of Planning or Development Permit Board:

- (a) covered porches, provided that:
 - (i) they face a street or a rear property line and are located at the basement or first storey,
 - (ii) they are open or protected by guard rails the height of which shall not exceed the minimum specified in the Building By-law, and
 - (iii) the total areas being excluded do not exceed 50 m²;
- (b) areas that are open to the floor below, provided that the total areas being excluded do not exceed 36 m²; and
- (c) amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20% of the permitted floor area or 929 m².

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

Building height

4. The building height, measured above base surface to the top of the parapet, must not exceed 14 m.

Setbacks

5.1 Setbacks must be, at minimum:

- (a) 2.1 m from the east property line;
- (b) 6.0 m from the west property line;
- (c) 7.15 m from the north property line; and
- (d) 7.3 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, provided that no additional floor area is created, 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) architectural appurtenances such as decorative exterior fins or fixed external shading devices,
 - (ii) steps,
 - (iii) balconies, eaves, bays or similar features,
 - (iv) entry porches located at the basement or first storey,
 - (v) cantilevered eaves forming part of a porch,
 - (vi) chimneys or piers,
 - (vii) underground parking and storage structures located entirely below grade,
 - (viii) access structures to underground parking,
 - (ix) hydro and gas utility meters, vaults or similar equipment, and
 - (x) any other features which, in the opinion of the Director of Planning, are similar to any of the features listed above.

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 (597).

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 m².

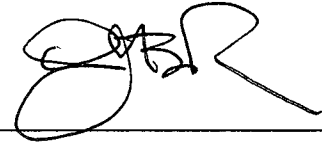
Severability

7. 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

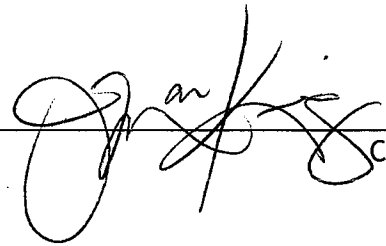
Force and effect

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

ENACTED by Council this 17th day of February, 2015

A handwritten signature in black ink, appearing to be 'G. B. R.', written over a horizontal line.

Mayor

A handwritten signature in black ink, appearing to be 'Janet', written over a horizontal line.

City Clerk

Schedule A

