4506 Rupert Street and
3309 Price Street

**BY-LAW NO. 12995**


**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-774 (b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D of By-law No. 3575.

**Designation of CD-1 District**

2.      The area shown within the heavy black outline on Schedule A is hereby designated CD-1 (775).

**Uses**

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

(a)      Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;

(b)      Live-work Use, in conjunction with any of the uses listed in this By-law;

(c)      Cultural and Recreational Uses, limited to Artist Studio, Arcade, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, and Theatre;

(d)      Institutional Uses, limited to Child Day Care Facility and Social Service Centre;

(e)      Office Uses;

(f)      Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Grocery Store with Liquor Store, Liquor Store, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;

(g)     Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Restaurant, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Wedding Chapel;

(h)     Utility and Communication Uses, limited to Public Utility and Radio Communication Station; and

(i)     Accessory uses customarily ancillary to the uses permitted in this Section.

**Conditions of Use**

4.1     No portion of the first storey of a building, within a depth of 10.7 m of the front wall of the building and extending across its full width of Rupert Street, shall be used for residential purposes except for entrances to the residential portion.

4.2     All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:

(a)     Farmers' Market;

(b)     Neighbourhood Public House;

(c)     Public Bike Share;

(d)     Restaurant; and

(e)     display of flowers, plants, fruits 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".

**Floor Area and Density**

5.1     Computation of floor space ratio must assume that the site consists of 1734.59 m$^2$ being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.

5.2     The floor space ratio for all uses must not exceed 2.30.

5.3     Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floors, both above and below base surface, measured to the extreme outer limits of the building.

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 floor area of all such exclusions must not exceed 12% of the permitted floor area, and

(ii)    the balconies must not be enclosed for the life of the building;

(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 thereof so used that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;

(d)     amenity areas, including recreational facilities and meeting rooms accessory to a residential use, except that the total exclusion must not exceed the lesser of 10% of the total permitted floor area or 929 $m^2$; and

(e)     all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 $m^2$ for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

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 Height**

6.1     Building height, measured from base surface to top of parapet, must not exceed 15.1 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 requirement if the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council, and:

(a)    the minimum distance of unobstructed view is not less than 3.7 m; or

(b)    the habitable room is within a unit assigned to moderate income households and containing a minimum of three bedrooms, where the horizontal angle of daylight requirement is relaxed for no greater than one of the habitable rooms in the unit.

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 (775).

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$^2$.

## Acoustics

8.    A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustic engineer demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be 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 |

## Zoning and Development By-law

9.    Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 (775).

## 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.
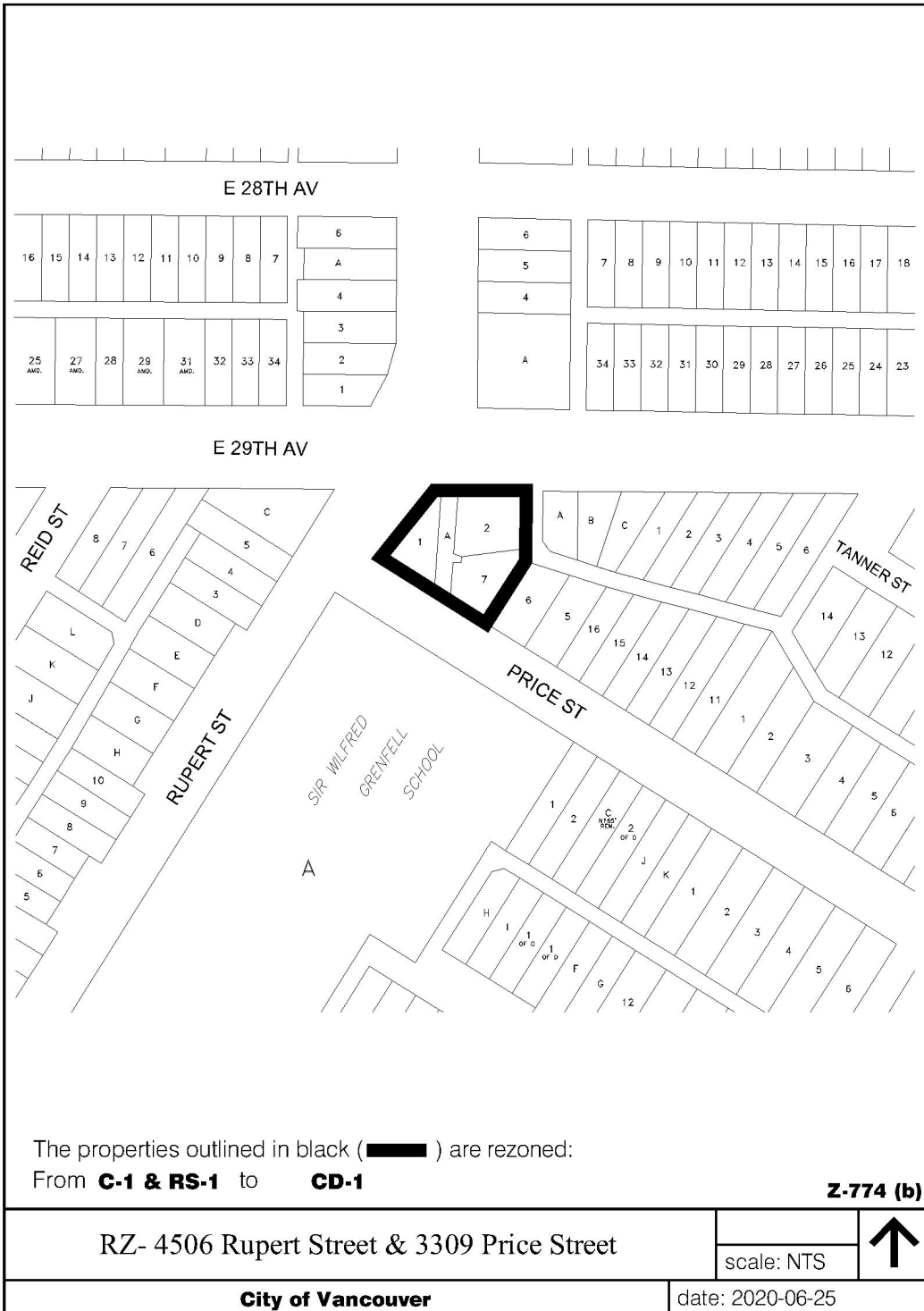
**Force and effect**

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


ENACTED by Council this   18ᵗʰ   day of   May, 2021


Signed               "Kennedy Stewart"
                              Mayor


Signed               "Katrina Leckovic"
                              City Clerk

E 28TH AV

| 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 |

| 6 |
| A |
| 4 |
| 3 |
| 2 |
| 1 |

| 6 |
| 5 |
| 4 |
| A |

| 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |

| 25 AMD. | 27 AMD. | 28 | 29 AMD. | 31 AMD. | 32 | 33 | 34 |

| 34 | 33 | 32 | 31 | 30 | 29 | 28 | 27 | 26 | 25 | 24 | 23 |

E 29TH AV

REID ST

| 8 | 7 | 6 |

C

5

4

3

D

E

F

G

H

L

K

J

10

9

8

7

6

5

RUPERT ST

1 | A | 2

7

A | B | C | 1 | 2 | 3 | 4 | 5 | 6

TANNER ST

6

5

16

15

14

13

12

11

14

13

12

1

2

3

4

5

6

PRICE ST

*SIR WILFRED GRENFELL SCHOOL*

A

1

2

C
N.165'
REM.

2
OF D

J

K

1

2

3

4

5

6

H

I

1
OF D

1
OF D

F

G

12

The properties outlined in black (━━━) are rezoned:

From **C-1 & RS-1** to **CD-1**

**Z-774 (b)**

| RZ- 4506 Rupert Street & 3309 Price Street | scale: NTS | ↑ |
| **City of Vancouver** | date: 2020-06-25 | |