

5670 Cambie Street (formerly 495 West 41st Avenue)

**BY-LAW NO. 13744**

**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 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 (855).

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

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses, limited to Multiple Dwelling and Dwelling Units in conjunction with any of the uses listed in this section;
- (c) Institutional Uses;
- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses;
- (g) Utility and Communication Uses; and
- (h) Accessory Uses customarily ancillary to the uses permitted in this section.

**Conditions of Use**

4.1 The design and layout of at least 35% of the total number of dwelling units must:

- (a) be suitable for family housing; and
- (b) include two or more bedrooms.

4.2 No portion of the first storey of a building may be used for residential purposes except for entrances to the residential portion.

4.3 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) display of flowers, plants, fruits and vegetables in conjunction with a permitted use.
- (b) farmers' market;
- (c) neighbourhood public house;
- (d) public bike share; and
- (e) restaurant.

4.4 The Director of Planning may vary the use conditions of section 4.3 to permit the outdoor display of retail goods, and may include such other conditions as the Director of Planning deems necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this by-law.

### **Floor Area and Density**

5.1 Computation of floor space ratio must assume that the site consists of 1,471.2 m<sup>2</sup>, 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 combined must not exceed 6.37.

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

5.4 The total floor area for commercial uses must not be less than 2,400 m<sup>2</sup>.

5.5 Computation of floor area must exclude:

- (a) balconies and 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 these exclusions must not exceed 13.5% of the floor area being provided, and
  - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof decks, provided that the Director of Planning first considers the effect on privacy and overlook;

- (c) areas used for off-street parking and loading, the taking on or discharging of passengers at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) areas used for bicycle storage;
- (e) areas used for heating and mechanical equipment;
- (f) entries, porches and verandahs if the Director of Planning first approves the design;
- (g) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit; and
- (h) all storage area below base surface for non-dwelling uses.

5.6 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board, common amenity areas, to a maximum of 10% of the total floor area being provided.

### **Building Height**

6.1 Building height, measured from base surface, must not exceed 45.7 m.

6.2 Despite section 6.1 of this by-law and section 10.18 of the Zoning and Development By-law:

- (a) if the Director of Planning permits common rooftop amenity space, the height of the portion of the building with the common amenity space must not exceed 50.0 m; and
- (b) the Director of Planning may permit rooftop mechanical and architectural appurtenances, mechanical rooms and rooftop access structures to exceed the maximum building height, up to a maximum of 54.0 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:

- (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 unobstructed view is not less than 3.7 m.

- 7.5 An obstruction referred to in section 7.2 means:
- (a) any part of the same building excluding permitted projections; or
  - (b) the largest building permitted under the zoning on any adjoining site.
- 7.6 A habitable room referred to in section 7.1 is a room in a dwelling unit and 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**

8. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustical 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.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

**Severability**

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.

**Force and Effect**

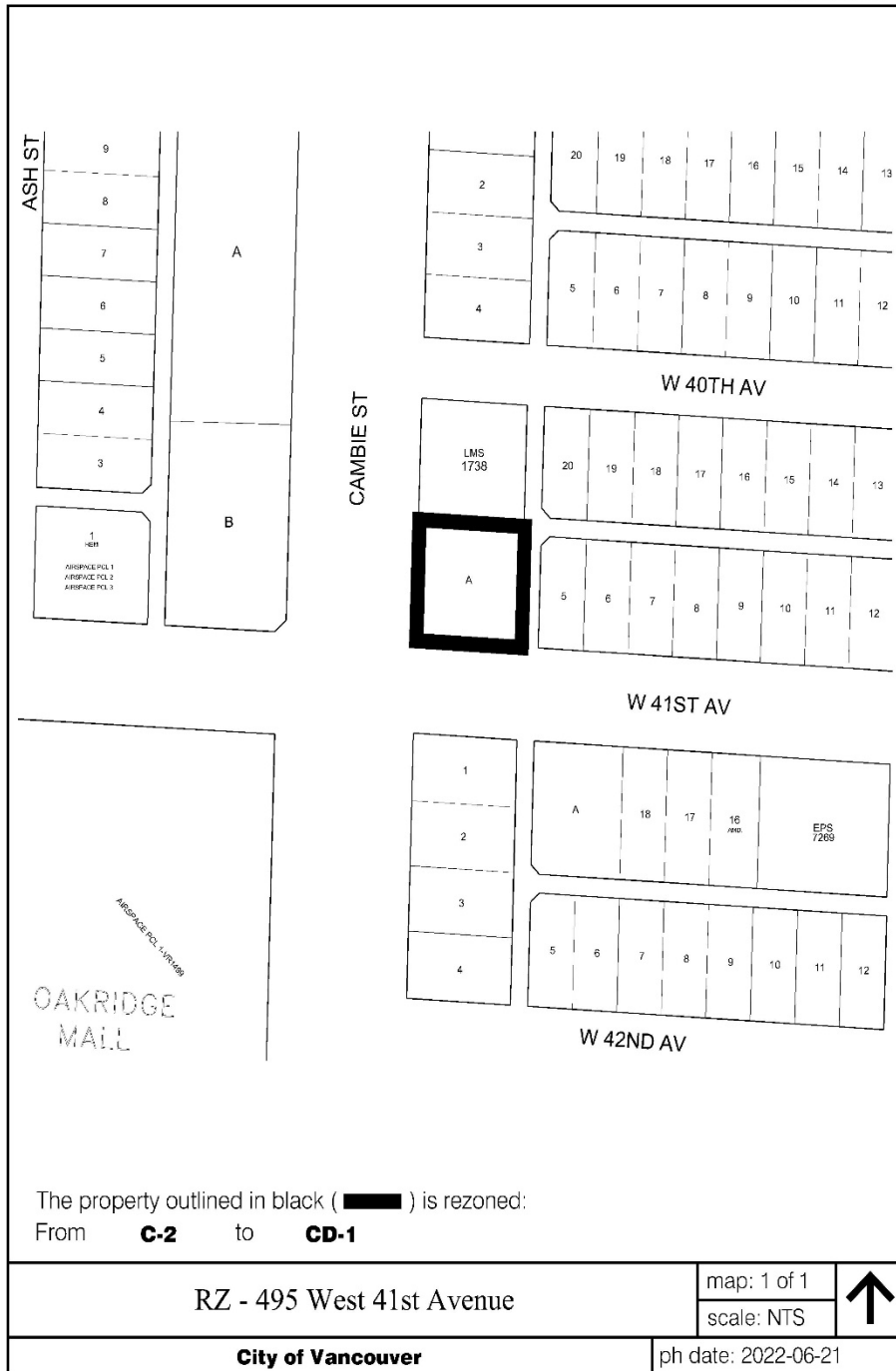
10. This by-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 27<sup>th</sup> day of June, 2023

Signed \_\_\_\_\_ "Ken Sim"  
Mayor

Signed \_\_\_\_\_ "Rosemary Hagiwara"  
Acting City Clerk

Schedule A



The property outlined in black ( [thick black box] ) is rezoned:  
 From **C-2** to **CD-1**

RZ - 495 West 41st Avenue

map: 1 of 1

scale: NTS



City of Vancouver

ph date: 2022-06-21