

**BY-LAW NO.**

**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 ( ).

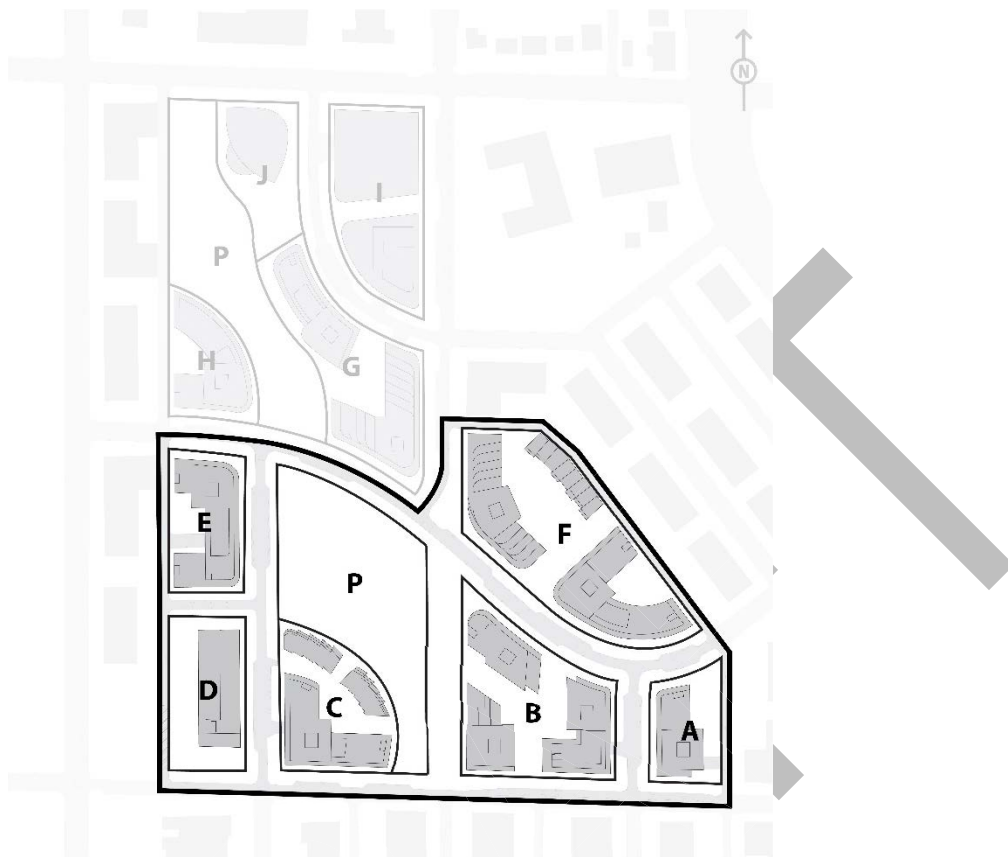
**Definitions**

3. Words in this By-law have the meanings given to them in the Zoning and Development By-law, except that:

“Below-Market Rental Housing Units” means dwelling units where the maximum starting rents are set at least 25% less than the average rents for all private rental apartment units city-wide, as published by the Canada Mortgage and Housing Corporation in the Rental Market Report, all as secured by a housing agreement registered on title to the property.

4. The site is to consist of seven sub-areas generally as illustrated in Figure 1, solely for the purpose of establishing the conditions of use, floor area and density, and maximum permitted building heights for each sub-area.

**Figure 1: Sub-areas**



**Uses**

5. 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 ( ), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
  - (a) Agricultural Uses, limited to Urban Farm;
  - (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law, Multiple Dwelling, Seniors Supportive or Assisted Housing, and Temporary Modular Housing;
  - (c) Cultural and Recreational Uses, limited to Artist Studio, Park or Playground, and Plaza;
  - (d) Institutional Uses, limited to Child Day Care Facility, and School – Elementary or Secondary;
  - (e) Retail Uses, limited to Farmers' Market, Neighbourhood Grocery Store, and Retail Store; and

- (f) Accessory uses customarily ancillary to the uses permitted in this section.

### Conditions of Use

6.1 All commercial uses permitted by this By-law shall be carried on wholly within a completely enclosed building except for:

- (a) Farmers' Market; and
- (b) Display of plants, flowers, fruit and vegetables in conjunction with a permitted use.

6.2 The Director of Planning may vary the use conditions of section 6.1 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.

6.3 In sub-areas A and E, uses are limited to Dwelling Units in conjunction with any of the uses listed in this By-law and Multiple Dwelling where all of the dwelling units are secured as social housing.

6.4 In sub-area D, uses are limited to School – Elementary or Secondary, and Child Day Care.

6.5 In sub-area P, uses are limited Park or Playground, Plaza, and Farmers' Market.

6.6 In sub-areas B, C, and F, uses are limited to Dwelling Uses, except that Retail Uses may be permitted at-grade fronting Heather Street, West 35th Avenue or West 37th Avenue.

6.7 The design and layout of at least 35% of the strata dwelling units shall:

- (a) be suitable for family housing; and
- (b) include two or more bedrooms, of which:
  - (i) at least 25% of the total dwelling units must be two-bedroom units, and
  - (ii) at least 10% of the total dwelling units must be three-bedroom units.

6.8 The design and layout of at least 35% of each of the secured market rental dwelling units and below-market rental dwelling units shall:

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

6.9 The design and lay-out of at least 50% of the social housing dwelling units shall:

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

## Floor Area and Density

7.1 The total floor area for all uses must not exceed 142,628 m<sup>2</sup>, and the total floor area for the sub-areas listed below in Figure 2 must not exceed the floor area set out for that sub-area or those sub-areas in Figure 2.

**Figure 2: Maximum Permitted Floor Area**

Sub-Area	Maximum permitted floor area (m <sup>2</sup> )
A and E, combined	32,328
B and C, combined	64,798
F	45,502

7.2 The total floor area for secured market dwelling units, below-market rental dwelling units, and dwelling units secured as social housing in the sub-areas listed below in Figure must not be less than the floor area set out for that sub-area or those sub-areas in Figure 3.

**Figure 3: Minimum Required Floor Area**

Sub-Area	Required minimum floor area (m <sup>2</sup> )		
	Secured Market Rental Dwelling Units	Below-Market Rental Dwelling Units	Social Housing Dwelling Units
A and E, combined			32,328
B and C, combined	23,125	7,708	
F	2,033	678	

7.3 The total floor area for retail uses in sub-areas B, C, and F combined must not exceed 230 m<sup>2</sup>.

7.4 In sub-area D, the total floor area for Institutional Uses must not be less than 4,700 m<sup>2</sup>.

7.5 No less than 1,234 m<sup>2</sup> of residential amenity floor area must be provided.

7.6 No less than 3.7 m<sup>2</sup> of residential storage space must be provided for each dwelling unit.

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

7.8 Computation of the 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 in each sub-area must not exceed 12% of the floor area being provided, and
- (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and decks, 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, residential storage area, bicycle storage area, heating and mechanical equipment of 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.
- (d) entries, porches and verandas if the Director of Planning first approves the design.

7.9 Computation of the floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) School - Elementary and Child Day Care Facility uses in sub-area D secured to the City's satisfaction for public use and benefit; and
- (b) residential amenity areas, except that the total floor area excluded must not exceed 1,234 m<sup>2</sup>.

### Building Height

8. Buildings in each sub-area must not exceed the maximum permitted height for that sub-area, measured from base surface, as set out in Figure 4.

**Figure 4: Maximum Permitted Building Storeys and Building Height**

Sub-Area	Maximum permitted storeys	Maximum permitted height in meters
A	19	61.0
B	24	76.2
C	16	51.9
D	4	18
E	15	48.8
F	25	79.2
P	1	5

## Horizontal Angle of Daylight

9.1 Each habitable room must have at least one window on an exterior wall of a building.

9.2 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.

9.3 Measurement of the plane or planes referred to in section 9.2 must be horizontally from the centre of the bottom of each window.

9.4 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.

9.5 An obstruction referred to in section 9.2 means:

- (a) any part of the same building excluding permitted projections; or
- (b) the largest building permitted on any adjoining site.

9.6 A habitable room referred to in section 9.1 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<sup>2</sup>.

## Acoustics

10. 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 levels in this 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

**Severability**

11. 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.

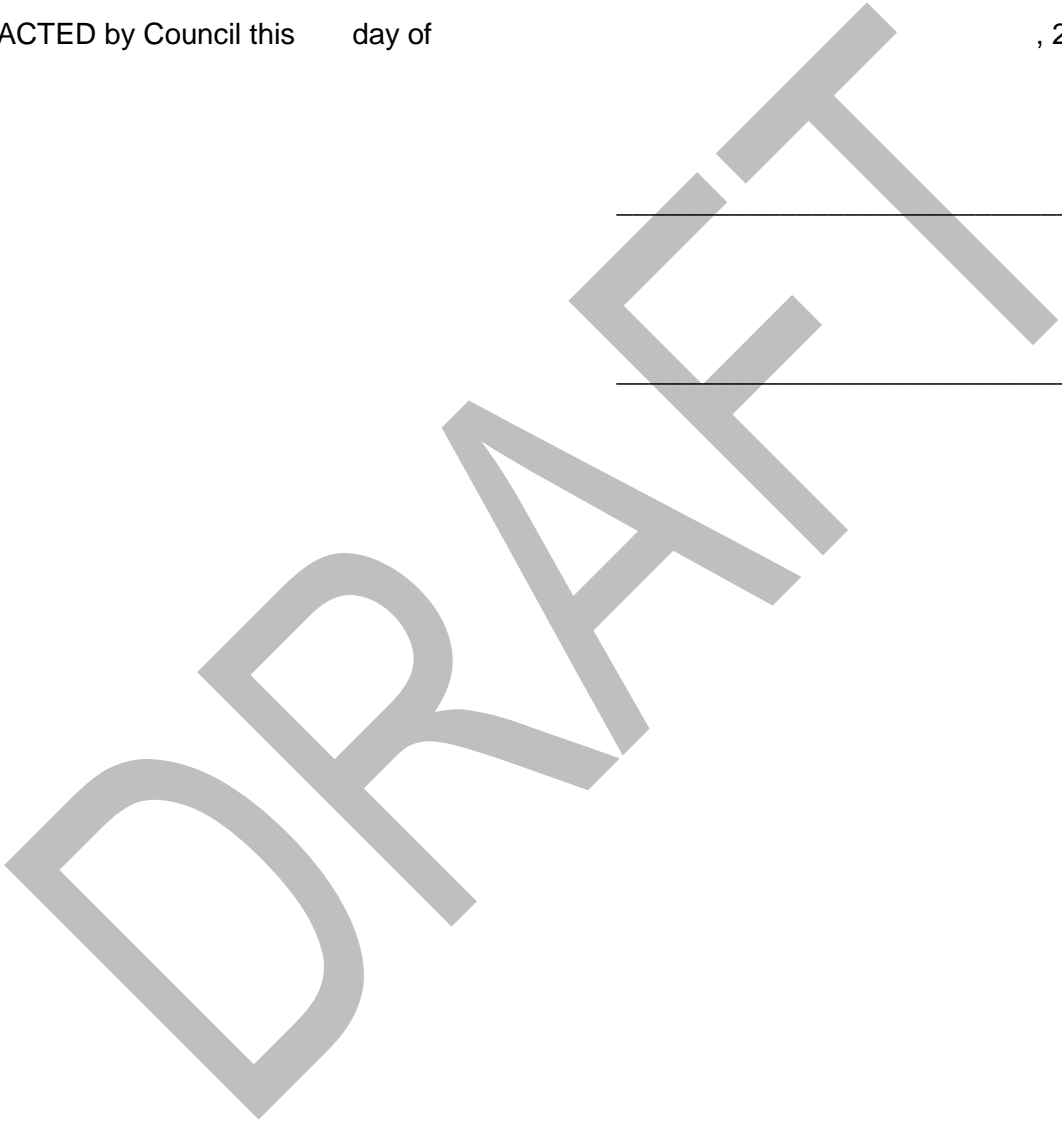
**Force and Effect**

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

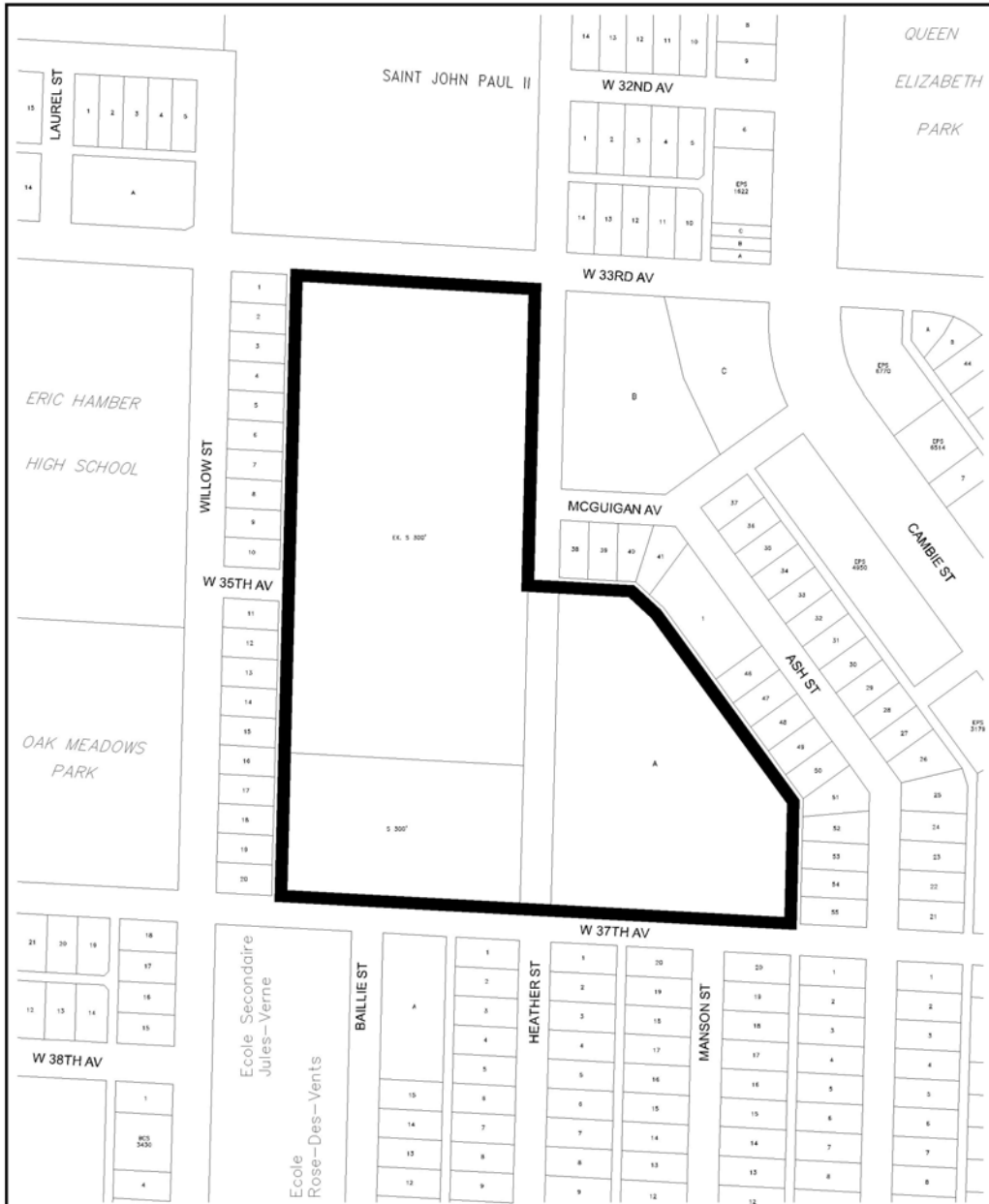
ENACTED by Council this      day of      , 2022

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Schedule A**



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

**RZ - 4949-5255 Heather Street &  
 657-707 West 37th Avenue**

map: 1 of 1  
 scale: NTS



**City of Vancouver**

PH date: 2022-05-24