



City of Vancouver *Zoning and Development By-law*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 604.873.7344 fax 604.873.7060

planning@vancouver.ca

CD-1 (441)

1211 Melville Street

By-law No. 9170

(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)

Effective November 1, 2005

(Amended up to and including By-law No. 9311, dated June 13, 2006)

1 *[Section 1 is not reprinted here. It contains a standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (441).

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

- (a) Dwelling Uses;
- (b) Office Uses;
- (c) Retail Uses;
- (d) Service Uses; and
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

3 Conditions of Use

Dwelling units are in an “activity zone” as defined in the Noise Control By-law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.

4 Density

4.1 The maximum floor area must not exceed:

- (a) 20 029.4 m² or 6.6 of floor space ratio for dwelling uses; and
- (b) 4 886.5 m² or 1.6 of floor space ratio for office uses, retail uses, and service uses.

4.2 Computation of floor space ratio and 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. [9311; 06 06 13]

4.3 Computation of floor space ratio and floor area must exclude: [9311; 06 06 13]

- (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 and contribute to the amenity or environment of the Downtown District, except that the total floor area of all such exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios or 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 maximum exclusion for a parking space must not exceed 7.3 m in length;
- (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; and
- (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9170 or provides an explanatory note.*

4.4 Computation of floor space ratio and floor area may exclude, at the discretion of the Director of Planning or Development Permit Board: [9311; 06 06 13]

- (a) enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and
 - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) ancillary social and recreational amenities primarily for the enjoyment of residents and employees including saunas, tennis courts, swimming pools, squash courts, gymnasiums, workout rooms, games rooms, hobby rooms, day care centres, public libraries, other uses of a public service, social or recreational nature, which, in the opinion of the Director of Planning are similar to the foregoing, except that such ancillary facilities must not exceed 5% of allowable floor space in the principal use; and
- (c) unenclosed outdoor areas at grade and podium levels underneath tower building overhangs.

4.5 The use of floor space excluded, under sections 4.3 and 4.4, from the computation of floor space ratio and floor area must not be for any purpose other than that which justified the exclusion. [9311; 06 06 13]

5 Building height

5.1 The maximum building height, measured above the base surface and to the top of the roof slab above the uppermost habitable floor and including the mechanical penthouse, roof garden, and roof, must not exceed 113.4 m. [9311; 06 06 13]

5.2 Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law. [9311; 06 06 13]

6 Parking and loading, and bicycle storage

Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law of off-street parking, loading, and bicycle storage except that:

- (a) for dwelling units, the following requirements apply:
 - (i) for dwelling units less than or equal to 44 m² of gross floor area, a minimum of 0.3 parking space and a maximum of 0.5 parking space for each dwelling unit,
 - (ii) for dwelling units of more than 44 m² of gross floor area up to and including 70 m² of gross floor area, the minimum and maximum number of parking spaces, as specified in subparagraph (i), are to increase at a rate of 0.025 space for each square metre more than 44 m², and
 - (iii) for dwelling units of more than 70 m² of gross floor area, the minimum and maximum number of parking spaces, as specified in subparagraph (ii), are to increase at a rate of 0.008 parking space for each square metre more than 70 m², except that the maximum required number of parking spaces for each dwelling unit is 2.0 and the maximum permitted number of parking spaces for each dwelling unit is 2.2;
- (b) for grocery store, drug store, or liquor store, a minimum of one parking space for each 100 m² of gross floor area for the first 300 m², and one parking space for each 50 m² in excess of 300 m² of gross floor area, except that the maximum permitted parking must not exceed by more than 20% the minimum required parking; and
- (c) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of co-operative vehicles and associated parking spaces for the required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number.

- 7 **Acoustics**
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 the 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

- 8 **Severability**
A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

- 9 *[Section 9 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

Schedule A



RZ - 1211 Melville Street (1200-1240 W. Pender Street)

map: 1 of 1

scale: 1:2000



City of Vancouver

date: Mar. 8, 2005

1211 Melville Street

BY-LAW NO. 9170

**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-566A 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 (441).

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

- (a) Dwelling Uses;
- (b) Office Uses;
- (c) Retail Uses;
- (d) Service Uses; and
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

Conditions of Use

3. Dwelling units are in an "activity zone" as defined in the Noise Control By-law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.

Density

4.1 The maximum floor area must not exceed:

- (a) 20 029.4 m² or 6.6 of floor space ratio for dwelling uses; and
- (b) 4 886.5 m² or 1.6 of floor space ratio for office uses, retail uses, and service uses.

4.2 Computation of floor space ratio 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.

4.3 Computation of floor space ratio 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 and contribute to the amenity or environment of the Downtown District, except that the total floor area of all such exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios or 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 maximum exclusion for a parking space must not exceed 7.3 m in length;
- (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; and
- (e) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

4.4 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) enclosed residential balconies, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure except that:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and

- (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) ancillary social and recreational amenities primarily for the enjoyment of residents and employees including saunas, tennis courts, swimming pools, squash courts, gymnasiums, workout rooms, games rooms, hobby rooms, day care centres, public libraries, other uses of a public service, social or recreational nature, which, in the opinion of the Director of Planning are similar to the foregoing, except that such ancillary facilities must not exceed 5% of allowable floor space in the principal use; and
- (c) unenclosed outdoor areas at grade and podium levels underneath tower building overhangs.

4.5 The use of floor space excluded, under sections 4.3 and 4.4, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion.

Building height

5. The maximum building height, measured above the base surface and to the top of the roof slab above the uppermost habitable floor and including the mechanical penthouse, roof garden, and roof, must not exceed 113.4 m.

Parking and loading, and bicycle storage

6. Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law of off-street parking, loading, and bicycle storage except that:

- (a) for dwelling units, the following requirements apply:
 - (i) for dwelling units less than or equal to 44 m² of gross floor area, a minimum of 0.3 parking space and a maximum of 0.5 parking space for each dwelling unit,
 - (ii) for dwelling units of more than 44 m² of gross floor area up to and including 70 m² of gross floor area, the minimum and maximum number of parking spaces, as specified in subparagraph (i), are to increase at a rate of 0.025 space for each square metre more than 44 m², and
 - (iii) for dwelling units of more than 70 m² of gross floor area, the minimum and maximum number of parking spaces, as specified in subparagraph (ii), are to increase at a rate of 0.008 parking space for each square metre more than 70 m², except that the maximum required number of parking spaces for each dwelling unit is 2.0 and the maximum permitted number of parking spaces for each dwelling unit is 2.2;

- (b) for grocery store, drug store, or liquor store, a minimum of one parking space for each 100 m² of gross floor area for the first 300 m², and one parking space for each 50 m² in excess of 300 m² of gross floor area, except that the maximum permitted parking must not exceed by more than 20% the minimum required parking; and
- (c) the Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of co-operative vehicles and associated parking spaces for the required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number.

Acoustics

7. 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 the 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.

<u>Portions of dwelling units</u>	<u>Noise levels (Decibels)</u>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

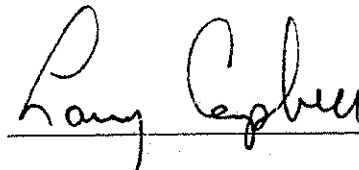
Severability

8. A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.


Force and effect

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

ENACTED by Council this 1st day of November, 2005



 Mayor




 City Clerk

Schedule A



Z-566A

RZ - 1211 Melville Street (1200-1240 W. Pender Street)	map: 1 of 1	
	scale: 1:2000	
City of Vancouver	date: Mar. 8, 2005	

DD

Miscellaneous text amendments

BY-LAW NO. 9311

A By-law to amend CD-1 By-law No.'s 7679, 8536, 8546, 8587, 8592, 8740, 8819, 8896, 8943, 8978, 8993, 9081, 9088, 9116, 9154, 9167, 9170, 9173, 9184, 9190, 9195, and 9204

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council repeals section 3.5 of By-law No.'s 8536 and 8546, and section 4.9 of By-law No. 8740.

2. To By-law No. 7679 as section 6.8, By-law No.'s 8587, 9154 and 9167 as section 4.6, By-law No.'s 8592, 8536, 8546, 8978 and 9116 as section 3.5, By-law No. 8740 as section 4.9, By-law No.'s 8819, 8896, 9184, 9190 and 9195 as section 5.5, By-law No.'s 8993, 9088 and 9204 as section 4.5, and By-law No. 9173 as section 5.6, Council adds:

"The use of floor space excluded, under this By-law, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion."

3. To Section 3 of By-law No.'s 8536 and 8546, Section 4 of By-law No.'s 8587, 9088, 9170 and 9204, and Section 5 of By-law No.'s 8896, 8943, 9081, 9173, 9184, 9190 and 9195, after "Computation of floor space ratio", wherever it appears, Council adds "and floor area".

4. To section 5.4(c) of By-law No. 9173, section 5.3(c) of By-law No.'s 9190 and 9195, and section 4.3(c) of By-law No. 9204, after "bicycle storage,", wherever it appears, Council adds "heating and mechanical equipment,".

5. Council repeals section 6.2 of By-law No.'s 8943 and 9195.


6. Council re-numbers section 7 of By-law No. 8740 as section 7.1, section 6 of By-law No.'s 8896, 9081, 9173, 9184 and 9190 as section 6.1, section 4 of By-law No. 8978 as section 4.1, and section 5 of By-law No.'s 9088, 9170 and 9204 as section 5.1.

7. To By-law No. 7679 as section 7.6, By-law No. 8536 as section 4.3, By-law No.'s 8546, 8592 and 8978 as section 4.2, By-law No. 8587 as section 5.3, By-law No. 8740 as section 7.2, By-law No.'s 8896, 8943, 9081, 9173, 9184, 9190, and 9195 as section 6.2, and By-law No.'s 9088, 9170 and 9204 as section 5.2, Council adds:

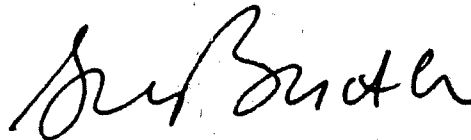
"Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law."

8. To section 6.1 of By-law No. 8943, after "191.7 m", Council adds:
", except that mechanical appurtenances and decorative roof may increase the building height to no more than 196.9 m".
9. To section 6.1 of By-law No. 9195, after "178 m", Council adds:
", except that mechanical appurtenances and decorative roof may increase the building height to no more than 182.9 m".
10. Council repeals section 7(a)(ii) and (iii) of By-law No. 9190 and section 6(a)(ii) and (iii) of By-law No. 9204, and substitutes:
"(ii) for dwelling units of more than 80 m² of gross floor area, a minimum of one parking space for each unit plus one additional parking space for each 125 m² of gross floor area in excess of the initial 80 m², except that there need not be more than two spaces for each unit, and
(iii) for all dwelling units, the maximum permitted parking must not exceed 0.2 spaces for each unit more than the required minimum number of parking spaces;"
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.
12. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 13th day of June, 2006



Mayor



City Clerk

7. **CD-1 Rezoning: 311 West 2nd Avenue
May 31, 2006 (VanRIMS.No. 11-3600-03)**

The Policy Report *CD-1 Rezoning: 311 West 2nd Avenue*, dated May 31, 2006, is postponed.

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Chow

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Ladner
SECONDED by Councillor Anton

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY

BY-LAWS

MOVED by Councillor Louie
SECONDED by Councillor Cadman

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 4 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY

1. **A By-law to amend Parking Meter By-law No. 2952 to implement a pay by phone system (By-law No. 9309)**
2. **A By-law to amend Development Permit Board and Advisory Panel By-law No. 5869 regarding designation of members (By-law No. 9310)**
3. **A By-law to amend CD-1 By-law No.'s 7679, 8536, 8546, 8587, 8592, 8740, 8819, 8896, 8943, 8978, 8993, 9081, 9088, 9116, 9154, 9167, 9170, 9173, 9184, 9190, 9195 and 9204 (By-law No. 9311)**
(Councillors Ball, Chow and the Mayor ineligible to vote)
4. **A By-law to amend Sign By-law No. 6510 (re 798 Granville Street) (By-law No. 9312)**
(Councillors Ball, Chow and the Mayor ineligible to vote)

4. Text Amendment: Miscellaneous Text Amendments

An application by the Director of Current Planning was considered as follows:

Summary: To amend various downtown CD-1 By-laws to add missing standard provisions and to correct an error in the Sign By-law

The Director of Current Planning recommended approval.

Staff Comments

Phil Mondor, Rezoning Planner, was present to respond to questions.

Summary of Correspondence

No correspondence was received on this application since it was referred to Public Hearing.

Speakers

The Deputy Mayor called for speakers for and against the application and none were present.

Council Decision

MOVED by Councillor Stevenson

THAT the application by the Director of Current Planning to amend several CD-1 By-laws and the Sign By-law generally as described in Appendix A to Policy Report "Miscellaneous Text Amendments" dated April 4, 2006, be approved.

CARRIED UNANIMOUSLY

These minutes will be adopted by Council on May 30, 2006.

CITY OF VANCOUVER

5



SPECIAL COUNCIL MEETING MINUTES

MAY 16, 2006

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, May 16, 2006, at 7:38 p.m., in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Public Hearing to consider proposed amendments to various CD-1 By-laws, the Sign By-law, and the Heritage By-law.

PRESENT:

Deputy Mayor David Cadman
Councillor Suzanne Anton
Councillor Kim Capri
Councillor Heather Deal
Councillor Peter Ladner
Councillor B.C. Lee
Councillor Raymond Louie
Councillor Tim Stevenson

ABSENT:

Mayor Sam Sullivan (Sick Leave)
Councillor Elizabeth Ball (Sick Leave)
Councillor George Chow (Leave of Absence)

CITY CLERK'S OFFICE:

Laura Kazakoff, Meeting Coordinator

COMMITTEE OF THE WHOLE

MOVED by Councillor Louie
SECONDED by Councillor Deal

THAT this Council resolve itself into Committee of the Whole, Deputy Mayor Cadman in the Chair, to consider proposed amendments to various CD-1 By-laws, the Sign By-law, and the Heritage By-law.

CARRIED UNANIMOUSLY

1. Heritage Revitalization Agreement/Heritage Designation: 73-91 East 27th Avenue

An application by Robert Brown, Resource Rethinking Building Inc., was considered as follows:

Summary: Heritage Revitalization Agreement and designation to permit strata titling in exchange for rehabilitation and conservation of five houses on this lot.

The Director of Current Planning recommended approval.