



# **City of Vancouver** *Zoning and Development By-law*

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## CD-1 (374)

*1762 Davie Street*

***By-law No. 7820***

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

***Effective November 18, 1997***

*(Amended up to and including By-law No. 9422, dated January 30, 2007)*

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

The area shown included within the heavy black outline on Schedule “A” shall be more particularly described as CD-1 (374), and the only uses permitted within the outlined area, subject to such conditions as Council may be resolution prescribe, and the only uses for which development permits will be issued are:

- (a) Dwelling Uses in conjunction with any of the uses listed in this section provided that no portion of the any floor of a dwelling unit except for entrances will be permitted within 2.0 m of street grade along the fronting street and provided that accessory uses ancillary to dwelling use and provided at grade will not be permitted within a dept of 10.7 m from the fronting street.
- (b) Office Uses,
- (c) Retail Uses, but not including Adult Retail Store, Liquor Store, Pawnshop and Secondhand Store,
- (d) Service Uses, but not including Body-rub Parlour, Cabaret, Funeral Home, Hotel, Neighbourhood Public House, Production or Rehearsal Studio and Restaurant - Class 2, and
- (e) Accessory Uses Customarily ancillary to the above uses.

## 3 Floor Space Ratio

**3.1** The floor space ratio must not exceed 3.40, except that the floor space ratio for non-dwelling use must not exceed 1.00 and a minimum of 0.30 must be provided abutting the fronting street and within 2.0 m of street grade. For the purpose of computing floor space ratio, the site is all parcels covered by this By-law, and is deemed to be 803.2 m<sup>2</sup>, being the site size at time of application for rezoning, prior to any dedications.

**3.2** The following will be included in the computation of floor space ratio:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground level, to be measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts and other features which the Director of Planning considers similar, to be measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

**3.3** The following will be excluded in the computation of floor space ratio:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed eight percent of the residential floor area being provided;
- (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, 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, provided that the maximum exclusion for a parking space does 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 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit; [8760; 03 12 09]

**Note:** *Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 7820 or provides an explanatory note.*

- (e) where exterior walls greater than 152 mm in thickness have been recommended by a Building Envelope Professional as defined in the Building By-law, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause shall not apply to walls in existence prior to March 14, 2000. [8169; 00 03 14]

**3.4** The Director of Planning may permit the following to be excluded in the computation of floor space ratio:

- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and subject to the following:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed eight percent of the residential floor area being provided; and
  - (ii) no more than fifty percent of the excluded balcony floor area is enclosed;
- (b) amenity areas accessory to dwelling use, including day care facilities, recreation facilities and meeting rooms, to a maximum of 10 percent of the residential floor area being provided or 1 000 m<sup>2</sup>, whichever is less; and
- (c) structures such as pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture. [9422; 07 01 30]

## 4 Height

**4.1** The maximum height of a building measured above the base surface is 18.3 m. [9422; 07 01 30]

**4.2** Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as elevator and lobby enclosures, stairwells, guard rails not exceeding the minimum height specified in the Building By-law, pergolas, trellises, or tool sheds that provide accessibility to common roof amenity areas do not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
- (b) the Director of Planning or Development Permit Board first considers:
  - (i) all applicable policies and guidelines adopted by Council,
  - (ii) the submission of any advisory group, property owner, or tenant, and
  - (iii) the effects on public and private views, shadowing, privacy, and open spaces;the Director of Planning or Development Permit Board may allow a greater height for any such structure, and may allow guard rails to exceed one-third the width of the building as measured on any elevation drawings.

[9422; 07 01 30]

## 5 Yards and Setbacks

**5.1** No front yard will be permitted.

**5.2** No side yards will be permitted except where any portion of the building contains residential uses, that portion may be set back from the side property lines to meet the requirements of section 7.0.

**5.3** No rear yard will be required except that any portion of the building which contains dwelling uses must be set back a minimum of 4.6 m from the lane across the full width of the building.

## 6 Frontage

The maximum frontage for each individual occupancy located on a floor having an elevation within 2.0 m of street grade will be 7.7 m. The Director of Planning may relax this requirement if he is satisfied that the scale of development at the street property line at this location will relate to pedestrians.

7 Horizontal Angle of Daylight

7.1 All habitable rooms in buildings used for residential purposes will have at least one window on an exterior wall which complies with the following:

- (a) the window will be located so that 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, will be unobstructed over a distance of 24.0 m; and
- (b) the plane or planes will be measured horizontally from the centre of the bottom of the window.

7.2 For the purpose of section 7.1, the following will be considered as obstructions:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the proposed site;
- (b) part of the same building including permitted projections; and
- (c) the maximum size building permitted under the appropriate C district schedule if the site adjoins a C site.

7.3 For the purposes of section 7.1, bathrooms and kitchens will not be considered as habitable rooms unless the floor area is greater than 10 percent of the total floor area of the dwelling unit, or 9.3 m<sup>2</sup>, whichever is the greater.

7.4 The Director of Planning may decrease the horizontal angle of daylight requirement of section 7.1, having regard to the livability of the resulting dwelling units and providing that a minimum distance of 3.7 m of unobstructed view is maintained.

8 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.

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

[7874; 98 04 21]

9 External Design

9.1 Development along the fronting street must provide any one or a combination of display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess or projecting canopy or any other architectural features which facilitate pedestrian interest.

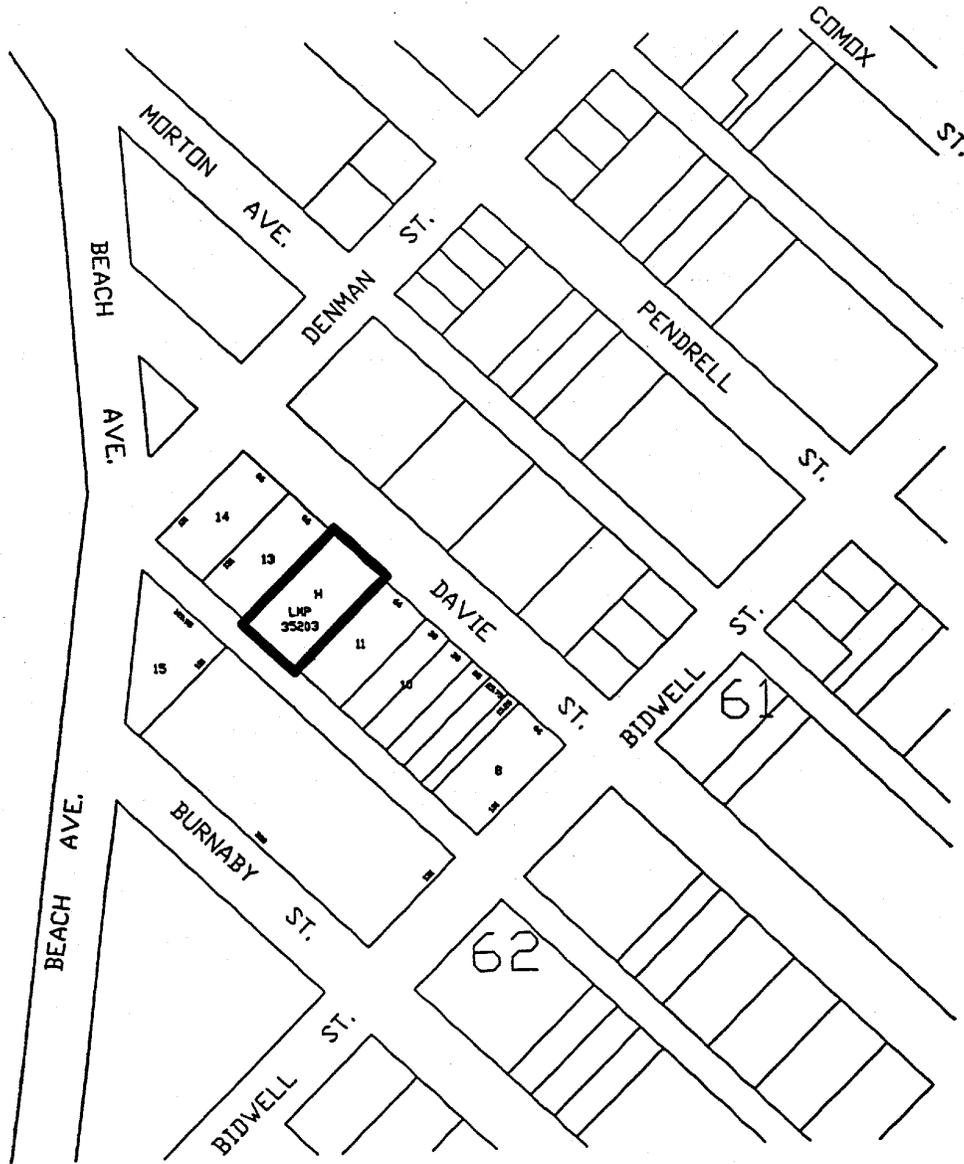
9.2 The first storey must be built to the front and side property lines except as noted in sections 5.1 and 5.2 while the remaining storeys may be set back from the property lines.

9.3 Direct pedestrian access at the fronting street must be provided at or near grade level to each individual commercial occupancy which abuts the fronting street.

9.4 Dwelling uses must have pedestrian access separate from access to other uses.

- 9.5** Continuous weather protection having a minimum depth of 1.5 m in the form of a retractable fabric awning, a canopy attached to the building face by bolts to facilitate easy removal, or other forms satisfactory to the Director of Planning and City Engineer must be provided along the fronting street.
- 9.6** All garbage container storage areas must be screened from view from nearby sidewalks and dwelling units.
- 9.7** Mechanical equipment must be enclosed and set back so as not to be visible from street level or must be architecturally treated to the satisfaction of the Director of Planning.
- 10 *[Section 10 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.]*

BY-LAW No. 7820 BEING A BY-LAW TO AMEND BY-LAW No. 3575  
BEING THE ZONING & DEVELOPMENT BY-LAW



The property outlined in black (  ) is rezoned:  
From **C-5** To **CD-1**

**Z-465(a)**

**RZ 1762 Davie Street**

map: 1 of 1

**City of Vancouver Planning Department**

scale: 1:2000

