



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

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## CD-1 (503)

### *1304 Howe Street*

### *By-law No. 10249*

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

***Effective April 19, 2011***

*(Amended up to and including By-law No. 10980, dated June 10, 2014)*

1 Zoning District Plan amendment

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-602 (d) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD 1 (503).

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

- (a) Multiple Dwelling Uses in conjunction with any use listed in this section 2.2;
- (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, Community Care Facility, and Group Residence;
- (c) Office Uses;
- (d) Retail Uses;
- (e) Service Uses; and
- (f) Accessory Uses customarily ancillary to the uses listed in 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 Computation of floor area must assume that the site consists of 2 327.52 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

4.2 The floor space ratio for all uses, combined, must not exceed 7.03. [10980 14 06 10]

4.3 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, measured to the extreme outer limits of the building.

4.4 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, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, 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 base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 10249 or provides an explanatory note.

- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) 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> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 1 000 m<sup>2</sup>; and
- (g) 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.

4.5 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 or Development Permit Board 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) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
- (c) unenclosed outdoor areas at grade level underneath building overhangs, if:
  - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
  - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (d) passive solar appurtenances to reduce solar gain; and
- (e) structures such as pergolas, trellises, and tool sheds which support the use of intensive green roofs or urban agriculture.

4.6 The use of floor space excluded under section 4.4 or 4.5 must not include any purpose other than that which justified the exclusion.

## 5 Building height

5.1 Subject to section 5.2, the building height, measured above base surface, must not exceed 91.44 m, except that the Director of Planning or Development Permit Board may approve additional height, not to exceed 3 m, to accommodate any change in building grades undertaken by the city.

5.2 Sections 10.10 and 10.11 of the Zoning and Development By-law are 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:
  - (i) architectural appurtenances, provided no additional floor space is created,
  - (ii) mechanical appurtenances, such as elevator machine rooms,
  - (iii) elevator enclosures, lobbies, and stairwells that provide access for building occupants to rooftop common area,
  - (iv) guard rails that do not exceed the minimum height specified in the Building By-law, and
  - (v) pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture,

will not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and  
[10326; 11 07 26]

- (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.

## 6 Parking, loading, and bicycle spaces

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

- (a) for retail uses, there must be 2 Class A loading spaces for retail floor area exceeding 100 m<sup>2</sup> and not exceeding 300 m<sup>2</sup> provided each retail unit is equal to or less than 100 m<sup>2</sup>, and if the location of loading is below grade, such spaces should have access to the retail area by elevator service; and
- (b) there must be one Class B loading space at grade for shared use between commercial and residential occupants.  
[10326; 11 07 26]

## 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 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

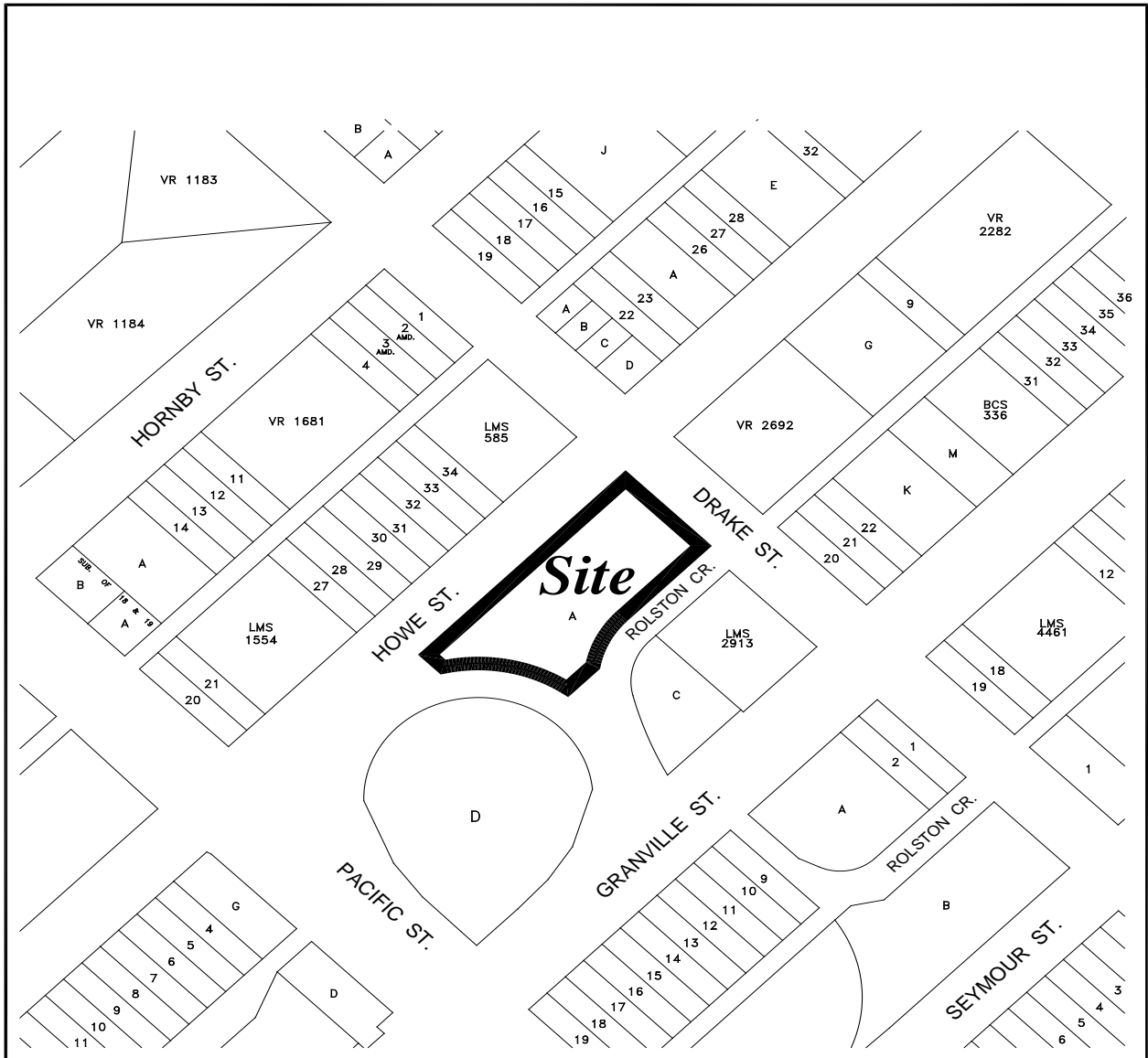
## 8 Severability

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.

## 9 Force and effect

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

ENACTED by Council this 19th day of April, 2011.



The property outlined in black ( **█** ) is rezoned:  
 From **DD** to **CD-1**

**Z-602 (d)**

**RZ - 1304 Howe Street**

map: 1 of 1  
 scale: NTS



**City of Vancouver**

date: June 2008