

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

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## **CD-1 (264)**

*101 Terminal Avenue*

*By-law No. 6744*

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

**Effective October 16, 1990**

*(Amended up to and including By-law No. 8891, dated July 6, 2004)*

**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** **Intent**

The intent of this By-law is to permit the development of the site as a comprehensive mixed-use neighbourhood which complements and is compatible with the character and function of adjacent areas.

Development on the site shall be consistent with the following objectives:

- (a) achieve a built form which is complementary to the form of adjacent areas and yet creates its own special character and sense of place;
- (b) achieve a built form which provides a dual sense of enclosure for the eastern end of False Creek both from the near and far perspectives;
- (c) maintain the Main Street view corridor;
- (d) achieve the maximum number of housing units, consistent with the principles of livability and other social and environmental objectives - it is intended that approximately 1,000 residential units be developed on the site;
- (e) extend retailing along Main Street and in conjunction with the ALRT station to encourage a pedestrian link with the Chinatown retail area;
- (f) achieve a diversity of population in terms of age, household types and income;
- (g) develop adequate community and recreational facilities to serve the needs of residents both of the site and within the False Creek basin;
- (h) provide adequate on-site parking and loading spaces for all uses within the site;
- (i) provide opportunities for additional on-site parking for Science World;
- (j) develop an open space system which meets local needs and provides visual enjoyment for residents and visitors alike; and
- (k) provide pedestrian links to adjacent areas.

**3** **Definitions**

Words used in this By-law shall have the meaning assigned to them in the Zoning and Development By-law, except as provided below.

**Built Form Edge** means a building facade or other structure which forms a continuous, or nearly continuous, vertical plane with only minor irregularities and articulation.

**Interim Use** means any use not specifically listed in this By-law and intended to be of only temporary duration.

**Core-need Household** means a household which would have to spend more than 30 percent of its annual gross income on shelter (including utilities) in order to live in an average market rental unit which is adequate and suitable for its basic needs. [7324; 94 07 26]

*Information included in square brackets [ ] identifies the by-law numbers and dates for the*

**Note:**

*amendments to By-law No. 6744 or provides an explanatory note.*

**4** The only uses permitted within the area outlined in black on Schedule “A”, which area shall be more particularly described as CD-1 (264), subject to approval by Council of the form of development and to such conditions, guidelines and policies adopted by Council, and the only uses for which development permits will be issued are:

- (a) a maximum of 1,018 residential dwelling units provided in multiple dwellings or in conjunction with any of the uses listed below, provided that:
  - (i) a minimum of 25 percent of the total number of units shall be designed for family housing, all of which shall be designed in accordance with the Council-adopted “Guidelines for High Density Housing for Families with Children.”
  - (ii) a minimum of 17.3% of the total number of units shall be provided through government funded programs targeted for core-need households or such affordable housing programs or initiatives as Council may generally define or specifically approve from time to time, which housing programs or initiatives may include subsidized and market rental units or subsidized and market co-operative units and at least half of the affordable housing units shall be designed for family housing consistent with and compromising part of the requirement of section 4(a)(i) of this By-law; [7324; 94 07 26] [8289; 01 01 30] [8651; 03 03 11] [8663; 03 05 13]
- (b) retail uses, but not including gasoline station - full serve, gasoline station - split-island, lumber store, and vehicle dealer;
- (c) service uses, including theatres, but not including hotels, drive-through service, funeral home, laundry or cleaning plant, motor vehicle repair shop, motor vehicle wash, photofinishing or photography laboratory, repair shop - class A, and restaurant - drive-in;
- (d) office uses;
- (e) parking uses; and
- (f) accessory uses customarily ancillary to the above uses. [8663; 03 05 13]

**5 Interim Uses**

Interim uses, and accessory use customarily ancillary thereto, may be permitted provided that:

- (a) the Development Permit Board considers that the use will be compatible with and not adversely affect adjacent development that either exists or is permitted by this By-law or the orderly subdivision of adjacent lands regulated by this By-law;
- (b) the Development Permit Board is satisfied that the use can be easily removed, is of low intensity or low in capital investment and will be replaced by development in accordance with this By-law; and
- (c) development permits are limited in time to periods not exceeding 3 years, except that where office floor area is substituted for retail floor area pursuant to section 6.3, development permits are limited in time to periods not exceeding 5 years. [8099; 99 10 19]

**6 Floor Area**

**6.1** The maximum floor area for any use listed in Table 1 shall be as set out below.

**Table 1**

Use	Maximum Floor Area
Retail Uses	2 821 m <sup>2</sup>
Service and Office Uses	9 690 m <sup>2</sup>
Residential Uses	122 532 m <sup>2</sup>
<b>Total</b>	<b>135 043 m<sup>2</sup></b>

[8289; 01 01 30] [8663; 03 05 13]

- 6.2** Despite the maximum floor areas set out in Table 1, the Development Permit Board may approve additional floor area not exceeding 1 624 m<sup>2</sup> in a development permit application, subject to a condition of approval that, before issuance of the development permit, the applicant will provide evidence, satisfactory to the Director of Legal Services, that the applicant has purchased, from an eligible donor site, heritage bonus density equal in amount to the requested additional floor area. [8663; 03 05 13]
- 6.3** Notwithstanding the above, office floor area, to a maximum of 475 m<sup>2</sup> and at grade, may be substituted for retail floor area if permitted as an interim use as per Section 5., and [8099; 99 10 19]
- 6.4** The following shall be included in the computation of the floor area:
- (a) all floors having a minimum ceiling height of 1.25 m, both above and below ground level, to be measured to the extreme outer limits of the building.
- 6.5** The following shall be excluded in the computation of the floor area:
- (a) residential balconies, sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, and recessed windows provided that the total area of all balcony exclusions does not exceed eight percent of the provided residential floor area;
- (b) patios and roof gardens, for residential purposes only, provided that the Director of Planning first approves the design of sunroofs and walls;
- (c) the portion of a floor used for heating and mechanical equipment or other uses similar to the foregoing;
- (d) the floors or portions of floors used for off-street parking and loading that, taking on or discharging passengers, bicycle storage, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, that, for each area, is at or below the lowest official established building grade; [8566, 02 10 22]
- (e) undeveloped floor areas located above the highest storey or half-storey with a ceiling height of less than 1.25 m and to which there is no permanent means of access other than a hatch;
- (f) 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]
- (g) non-profit recreation facilities, and amenity areas accessory to residential use, including meeting rooms provided that the total area excluded does not exceed 5 500 m<sup>2</sup>;
- (h) day care facilities;
- (i) interior public spaces, including atria and other similar spaces, provided that:
- (i) the excluded area does not exceed 560 m<sup>2</sup>;
- (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City of Vancouver which set out public access and uses; and
- (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.
- (j) transit station;
- (k) 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. [8298; 01 02 20]
- 6.6** Computation of floor space ratio may exclude:
- (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 subject to the following:
- (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being approved, and

(ii) the total enclosed area of excluded balcony floor area must not exceed 50%.  
[8891; 04 07 06]

## **7 Height**

7.1 The maximum building height measured above the base surface shall be 94 m.

7.2 Development along Main Street shall have a built form edge at least 7 m in height.

## **8 Grade Level Uses**

8.1 For the purposes of Section 8, grade level uses means retail, restaurant, financial institution, barber shop or beauty salon, laundromat or drycleaning establishment, travel agent, real estate office, residential entrances/lobbies, and any other uses which in the opinion of the Development Permit Board are similar to the foregoing, all of which uses are located on the ground floor.

8.2 Grade level uses shall be required on the Main Street and Terminal Avenue frontages.

8.3 The maximum continuous frontage for each grade level use shall be 9.2 m, except on corners where the combined frontage for such uses shall not exceed 27.5 m.

8.4 All grade level uses shall provide along all abutting streets any one or more of the following: display windows, individualized tenancy unit design, building articulation, pedestrian entrance definition via a recess and/or projecting canopy or any other architectural features which facilitate, to the satisfaction of the Director of Planning, pedestrian interest.

8.5 All grade level uses shall provide direct pedestrian access to the fronting street or walkway.

8.6 All grade level uses shall provide weather protection with a minimum depth of 1.5 m and in the form of a retractable fabric awning, a canopy attached to the building face by bolts for easy removal, or such other form satisfactory to the Director of Planning and the City Engineer.

## **9 Residential Component**

9.1 Separate and distinct means of access shall be provided for residential uses to streets and on-site parking.

9.2 Private, semi-private and public spaces shall be defined and distinguished from each other.

9.3 In every building intended to contain core-need households a community room shall be provided with the capacity to accommodate at least 40 percent of the estimated adult population.  
[7324; 94 07 26][7874; 98 04 21]

## **10 Parking**

10.1 Off-street parking shall be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except as follows:

- (a) office uses shall provide a minimum of 1 space for each 70 m<sup>2</sup> of gross floor area and a maximum of 1 space for each 46.5 m<sup>2</sup> of gross floor area;
- (b) retail uses shall provide a minimum of 1 space for each 50 m<sup>2</sup> of floor area;
- (c) restaurant uses shall provide a minimum of 1 space for each 50 m<sup>2</sup> of gross floor area for the first 100 m<sup>2</sup> of gross floor area, 1 space for each 10 m<sup>2</sup> of gross floor area for the next 400 m<sup>2</sup> to a total of 500 m<sup>2</sup> of gross floor area, and 1 space for each 20 m<sup>2</sup> over 500 m<sup>2</sup> of gross floor area;

- (d) multiple dwelling uses, not including units designated for non-market, low income or seniors housing, shall provide a minimum of 1 space for each 100 m<sup>2</sup> of gross floor area plus 0.5 spaces for each dwelling unit;
- (e) family non-market housing shall provide a minimum of 1.1 spaces for each unit; [8289; 01 01 30]
- (f) recreational and cultural uses shall provide parking as determined by the Director of Planning, in consultation with the City Engineer; and
- (g) a minimum of 100 spaces additional to the above requirements shall be provided.

**10.2** The Director of Planning, in the exercise of his jurisdiction, may relax the provisions of this By-law in any case where literal enforcement would result in unnecessary hardship relating to the number of off-street parking and passenger spaces required.

**10.3** The Director of Planning, before granting any relaxation pursuant to section 10.2, shall be satisfied that any property owner likely to be adversely affected is notified. Such notification shall be in the form appropriate to the circumstances.

**10.4 Multiple-Use Developments**

For the purposes of this section uses with the same formula for determining required parking spaces shall be considered to be of the same class. If a development contains parking for more than one use as listed in section 4.2 of the Parking By-law, the total number of parking spaces shall be the sum of the parking spaces required for the various classes of uses calculated separately and, unless otherwise permitted by the Director of Planning, in consultation with the City Engineer, taking into account the time-varying demand of uses, a parking space required for one use shall be deemed not to meet the requirement for any other use in that development.

**10.5 Parking Space Requirement Exemptions**

The required number of off-street parking spaces need not be provided where, subsequent to original construction of a building, any additions, alterations or change in use would, in total, result in an increase of less than 10 percent of the number of spaces required for the originally constructed building before any addition, alteration or change in use. [8011; 99 04 13]

**11 Loading**

**11.1** Off-street loading shall be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law, except that one additional loading bay shall be provided for every 200 dwelling units.

**11.2** The Director of Planning, in the exercise of his jurisdiction, may relax the provisions of this By-law in any case where literal enforcement would result in unnecessary hardship relating to the number of loading spaces required.

**11.3** The Director of Planning, before granting any relaxation pursuant to section 11.2, shall be satisfied that any property owner likely to be adversely affected is notified. Such notification shall be in the form appropriate to the circumstances.

**11.4 Multiple-Use Developments**

For the purposes of this section, uses with the same formula for determining required loading spaces shall be considered to be of the same class. If a development contains more than one use as defined in section 5.2 of the Parking By-law, the total number of loading spaces shall be the sum of the loading spaces required for the various classes of uses calculated separately and, unless otherwise permitted by the Director of Planning, in consultation with the City Engineer, taking into account the time-varying demand of uses, a loading space required for one use shall be deemed not to meet the requirement for any other use in that development.

**11.5 Loading Space Requirement Exemptions**

The required number of off-street loading spaces need not be provided where, subsequent to original construction of a building, any additions, alterations or change in use would, in total, result in an increase of less than 10 percent of the number of spaces required for the originally constructed building before any addition, alteration or change in use.  
[8011; 99 04 13]

**12 Acoustics**

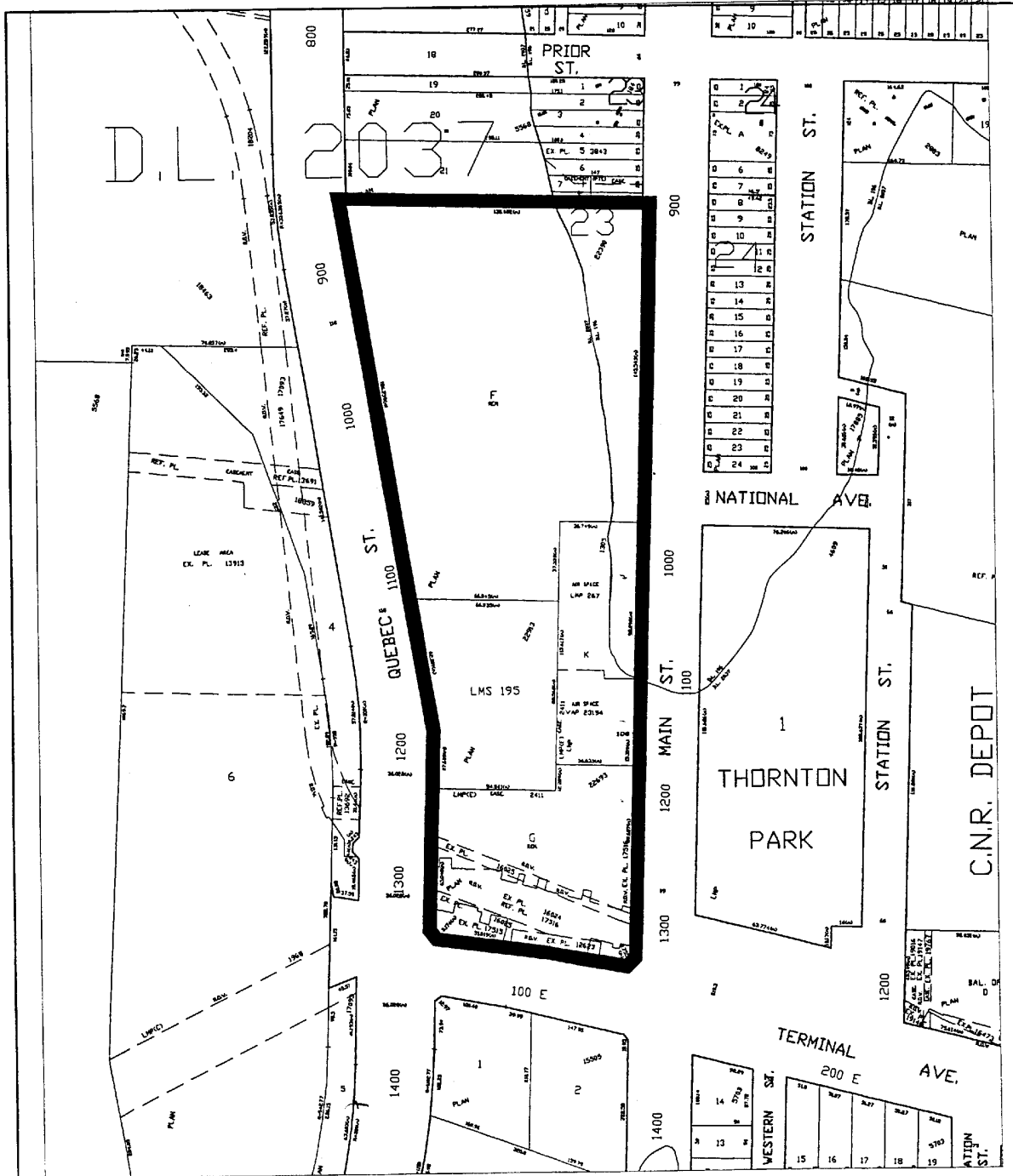
All development permit application shall require evidence in the form of a report prepared by a person trained in acoustics and current techniques of noise measurement demonstrating that the noise levels in those portions of the dwelling units listed below shall not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and 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

[7515; 96 01 11]

**13** *[Section 13 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and to certify the by-law number and date of enactment.]*

**SCHEDULE A**



The property outlined in black (■) was rezoned:  
 From **M-1** and **FC-1** to **CD-1** by By-law No. 6744

dmw8cd-1comp.pms

<b>CD-1 (264) 101 Terminal Ave.</b> <b>City of Vancouver Planning Department</b>	date prepared: Nov. 1994	
	sectional(s): P, Q-9, 10	
	scale: 1:3000	



