



City of Vancouver *Zoning and Development By-law*

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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