

City of Vancouver *Zoning and Development By-law*

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CD-1 (266)

1100, 1200, 1300 Blocks Pacific Boulevard By-law No. 6757

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

Effective November 6, 1990

(Amended up to and including By-law No. 8760, dated December 9, 2003)

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.] [6825; 91 05 14]*

2 **Intent**

The intent of this By-law is to permit the development of the site with residential use and some local retail and service uses in a form which complements and is compatible with the character 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 development of adjacent areas, particularly Yaletown and yet creates its own special character and sense of place;
- (b) achieve a built form which provides a sense of enclosure on Pacific Boulevard between Drake and Helmcken Streets;
- (c) maintain the four view corridors identified in the False Creek North Official Development Plan;
- (d) achieve housing consistent with the principles of livability and other social and environmental objectives;
- (e) provide retailing along Pacific Boulevard between Drake and Helmcken Streets and along David Street to create pedestrian interest and encourage a pedestrian link with the downtown and West End;
- (f) achieve a diversity of population in terms of age, household type and income;
- (g) provide adequate on-site parking and loading spaces for all uses within the site;
- (h) provide opportunities for additional on-site parking for Yaletown; and
- (i) 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.

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]

4 The only uses permitted within the area outlined in black on Schedule “A” and on Schedule “A” of By-law No. 6825, which area shall be more particularly described as CD-1(266), 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: [6826; 91 05 14]

- (a) a maximum of 706 residential dwelling units provided in multiple dwellings or in conjunction with any of the uses listed below, provided that: [8236; 00 07 25]
 - (i) a minimum of 22 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 18.7 percent of the total number of units shall be provided through government funded programs targeted for core-need households or through such other affordable housing programs or initiatives as Council may approve, which housing programs or initiatives may include subsidized and market rental units or subsidized and market co-operative units and at least 25 percent of the affordable housing units shall be designed for family housing consistent with and comprising part of the requirement of section 4(a)(i) of the By-law; [7324; 94 07 26] [8236; 00 07 25] [8651; 03 03 11]

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 6757 or provides an explanatory note.

- (b) retail uses, but not including gasoline station - full serve, gasoline station - split-island, and vehicle dealer;
- (c) service uses, but not including animal clinic, auction hall, bed and breakfast accommodation, body rub parlour, drive-through service, funeral home, laundry or cleaning plant, hotel, motor vehicle repair shop, motor vehicle wash, photo- finishing or photography laboratory, production studio, repair shop - class A, restaurant drive-in, school - business, school - vocational or trade, and sign painting shop;
- (d) cultural and recreational uses;
- (e) parking uses; and
- (f) accessory uses customarily ancillary to the above uses.

5 Interim Uses

Interim uses, and accessory uses 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, and is of low intensity or low in capital investment; and
- (c) development permits are limited in time to periods not exceeding 3 years.

6 [Reserved]

[8716; 03 07 29]

7 Floor Area and Density

7.1 The maximum floor area for any use listed in this table shall be as set below.

Table 1

Use	Maximum Floor Area
Residential Uses	84 379 m ²
Retail and Service Uses	3 720 m ²

[8236; 00 07 25]

7.2 The following shall be included in the computation of 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.

7.3 The following shall be excluded in the computation of floor area:

- (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, 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 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, 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 base surface;
- [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 m² 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 3 000 m²;
- (h) 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]

7.4 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 approves the design of any balcony enclosure 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 may be enclosed. [7512; 96 01 11]
- (b) interior public space, including atria and other similar spaces, provided that:
 - (i) the excluded area shall not exceed the lesser of 10 percent of the permitted floor area or 560 m²;
 - (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 use; and
 - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council.

7.5 The Development Permit Board may permit an increase in the maximum:

- (a) residential floor area for the site of up to 1% so long as the aggregate maximum residential floor area for all the sites covered by the CD-1 by-laws listed in the first column of Table 2 does not exceed the total listed in the second column of Table 2;
- (b) retail, service and office floor area for the site of up to 1% so long as the aggregate maximum retail, service and office floor area for all the sites covered by the CD-1 by-laws listed in the first column of Table 2 does not exceed the total listed in the third column of Table 2.

Table 2 - Neighbourhood Maximum Floor Area (in square metres)

Neighbourhood	Land Uses	
	Residential	Retail Service, Service and Office
Area 1 (By-law No. 7675)	230 446	1 950
Area 2 (By-law No. 7156)	114 247	1 858
Area 3 (By-law No. 6757)	84 379	3 720
Area 4/5A (By-law No. 7248)	221 183	34 610
Total	650 255	42 138

[8716; 03 07 29]

8 Height

8.1 The maximum building height measured above the base surface, excluding the mechanical penthouse and any roof cap element, will be 87 m. [8716; 03 07 29]

9 Grade Level Uses

9.1 For the purposes of this Section, grade level uses means retail and service uses as defined in Section 4 and entrances and lobbies accessory to residential use, all of which are located within 2 m of the street grade.

9.2 Grade level uses shall be required on the Pacific Boulevard frontage between Drake Street and a point 104 m east of the Davie Street property line and on the Davie Street frontages.

9.3 The maximum continuous frontage for each grade level occupancy shall be 12 m, except on corners where the combined frontage for such occupancy shall not exceed 24 m.

9.4 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 or projecting canopy or any other architectural features which facilitate, to the satisfaction of the Director of Planning, pedestrian interest.

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

9.6 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.

10 Residential Component

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

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

10.3 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]

11 Parking

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

- (a) retail uses shall provide a minimum of 1 space for each 50 m² of gross floor area;
- (b) restaurant uses shall provide a minimum of 1 space for each 50 m² of gross floor area for the first 100 m² of gross floor area, 1 space for each 10 m² of gross floor area for the next 400 m² to a total of 500 m² of gross floor area, and 1 space for each 20 m² over 500 m² of gross floor area;
- (c) 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 m² of gross floor area plus 0.5 spaces for each dwelling unit;
- (d) family non-market housing shall provide a minimum of 1.1 spaces for each dwelling unit; and;
- (e) recreational and cultural uses shall provide parking as determined by the Director of Planning in consultation with the City Engineer. [8236; 00 07 25]

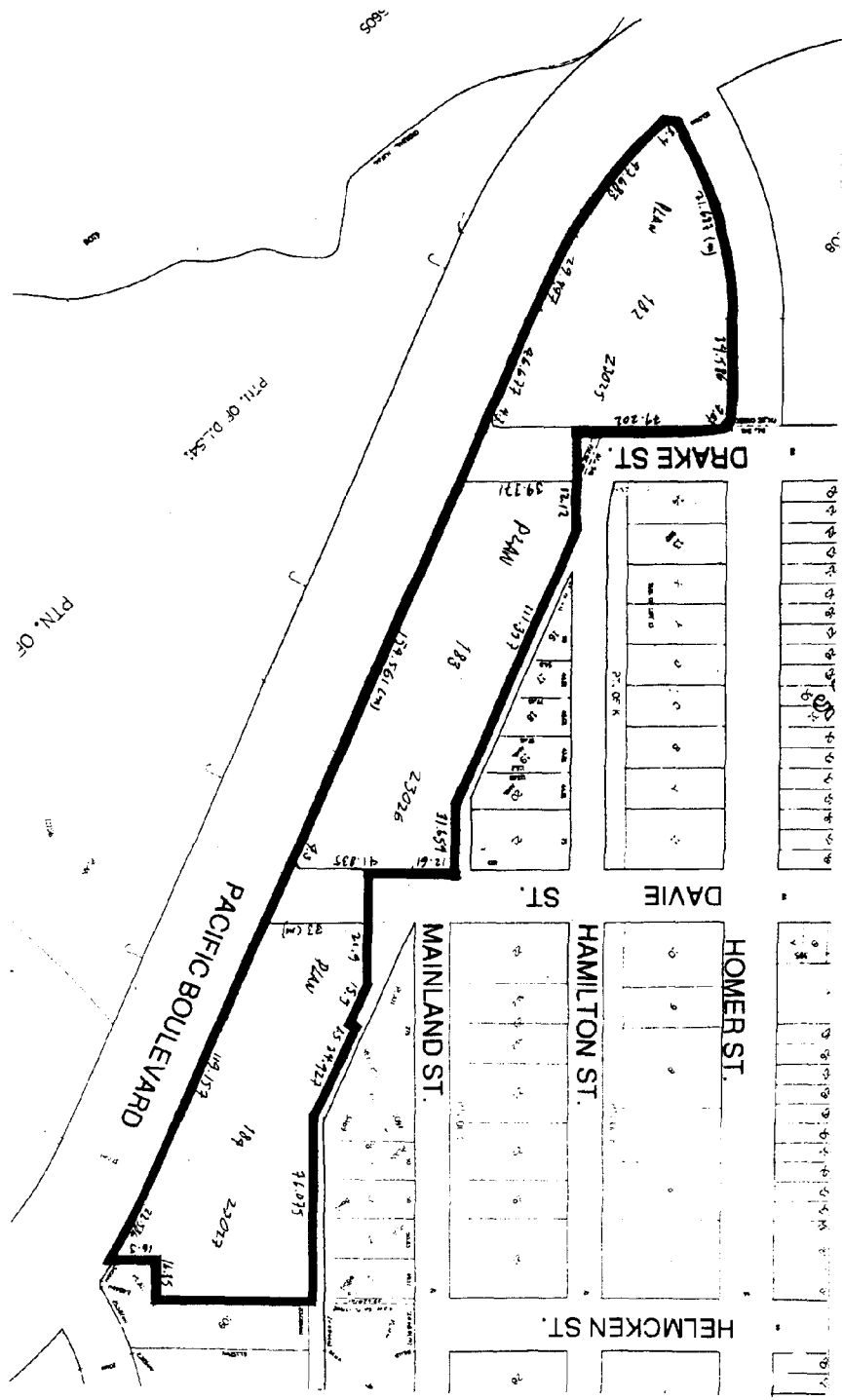
- 11.2** The Director of Planning, in the exercise of his jurisdiction, may relax the provisions of this By-law in any case where literal enforcement would result in unnecessary hardship relating to the number of off-street parking and passenger spaces required.
- 11.3** The Director of Planning, before 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 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.
- 11.5** **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]
- 12** **Loading**
- 12.1** Off-street loading shall be provided, developed and maintained in accordance with the applicable provisions of the Parking By-law except that one loading bay shall be provided for every 200 dwelling units.
- 12.2** 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.
- 12.3** The Director of Planning, before granting any relaxation pursuant to section 12.2, 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.
- 12.4** **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.
- 12.5** **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]
- 13** **Acoustics**
All development permit applications 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.

Portions of Dwelling Units	Noise Level (Decibels)
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

[7515; 96 01 11]

- 14** *[Section 14 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.]*



The property outlined in black () was rezoned:
 From **BCPED** to **CD-1** by By-law No. 6757 and amended by By-law No. 6825

CD-1 (266) 1100, 1200, 1300 Blocks Pacific Boulevard

City of Vancouver Planning Department

date prepared: Dec. 1992
 sectional(s): N, O-10
 scale: 1:2500



