



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

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## CD-1 (428)

### *33 West Pender Street*

### **By-law No. 8993**

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

**Effective February 15, 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 (428).

2.2 The only uses permitted within CD-1 (428), subject to such conditions as Council may by resolution prescribe, and to the conditions set out in this By-law, and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Dwelling Units, in conjunction with any of the uses listed in this section 2.2;
- (b) Office Uses, limited to General Office, Health Care Office, and Health Enhancement Centre;
- (c) Retail Uses, limited to Grocery or Drug Store, Retail Store, and Vehicle Dealer;
- (d) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Catering Establishment, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair shop – Class B, Restaurant – Class 1, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Sign Painting Shop; and
- (e) Accessory Use customarily ancillary to any of the uses permitted by this section 2.2.

3 Conditions of use

3.1 Dwelling units are in an "activity zone" as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.

3.2 No portion of the first storey of any building to a depth of 10.7 m from the front wall of the building and extending across its full width, except for entrances to the residential portion of the building, may contain dwelling units

3.3 Dwelling units are the only use permitted above the first storey.

4 Density

4.1 The floor space ratio for all permitted uses must not exceed 5.9, and for dwelling units must not exceed 5.65.

4.2 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 level, to be measured to the extreme outer limits of the building.

4.3 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, 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;

**Note:** *Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 8993 or provides an explanatory note.*

- (b) patios or roof gardens if the Director of Planning first approves any 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 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;
- (e) amenity areas including recreational areas and meeting rooms, accessory to residential use, except that the area of such excluded amenities must not exceed 10% of the allowable floor space; and
- (f) 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.

**4.4** Computation of floor space ratio, at the discretion of the Director of Planning or Development Permit Board, may exclude 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:

- (a) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the total permitted residential floor area; and
- (b) the total enclosed area of excluded balcony floor area must not exceed 50%.

**4.5** The use of floor space excluded, under this By-law, from the computation of floor space ratio must not be for any purpose other than that which justified the exclusion. [9311; 06 06 13]

## 5 Building height

**5.1** The building height, measured above base surface and to the top of the roof slab above the uppermost habitable floor must not exceed 30.5 m.

**5.2** Section 10.11 of the Zoning and Development By-law does not apply.

**5.3** Despite section 5.1, the Director of Planning may permit a greater height for the mechanical penthouse, roof garden, architectural appurtenances, and similar items.

## 6 Parking and loading, and bicycle storage

**6.1** 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 and loading, and bicycle storage, except that for the following uses the following parking requirements apply:

- (a) a minimum of 0.3 parking space for each dwelling unit comprising less than 44 m<sup>2</sup> of gross floor area, and a maximum of 0.5 parking space for each such dwelling unit;
- (b) a minimum of 0.3 parking space for each dwelling unit comprising 44 m<sup>2</sup> of gross floor area up to and including 70 m<sup>2</sup> of gross floor area, and a maximum of 0.5 parking space for each such dwelling unit, both the minimum and maximum increasing at a rate of 0.025 parking space for each square metre over 44 m<sup>2</sup> of gross floor area;

- (c) a minimum of 0.95 parking space for each dwelling unit comprising more than 70 m<sup>2</sup> of gross floor area and a maximum of 1.15 parking spaces for each such dwelling unit, both the minimum and maximum increasing at a rate of 0.008 parking space for each square metre over 70 m<sup>2</sup> of gross floor area;
- (d) despite subsections (a) to (c), the number of parking spaces for each dwelling unit need not exceed 2.0 and must not exceed 2.2; and
- (e) despite subsections (a) to (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 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

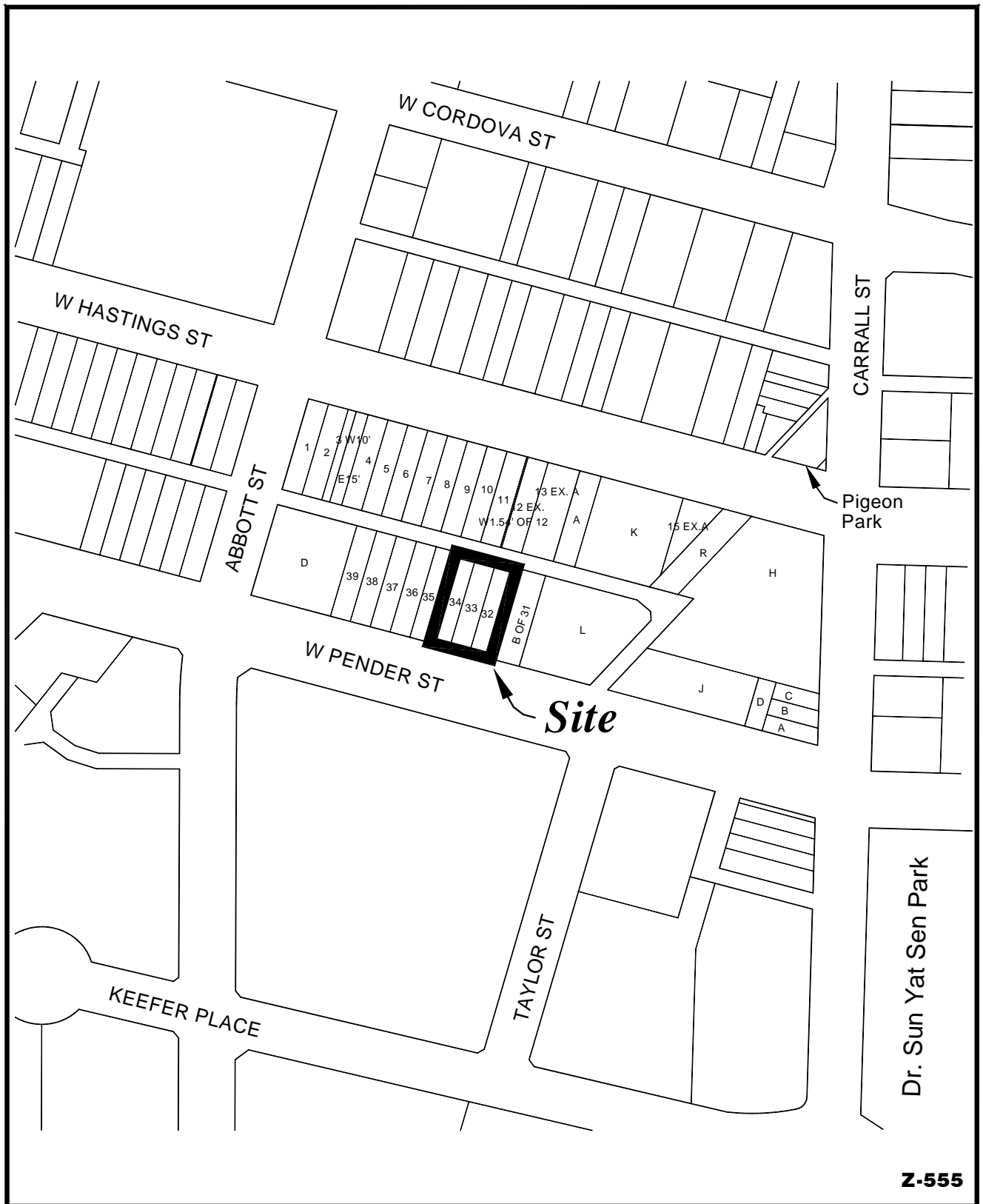
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level 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.

<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 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.]*



Z-555

RZ - 33 West Pender Street

map: 1 of 1

scale: 1:2000



City of Vancouver

date: Feb. 17, 2005