



City of Vancouver *Zoning and Development By-law*

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CD-1 (443)

826-848 West Hastings Street

By-law No. 9184

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

Effective November 10, 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 **Definitions**

Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

“Base Surface” means the base surface calculated from the official established building grades.

3 **Uses**

3.1 The description of the site shown within the heavy black outline on Schedule A is CD-1 (443).

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

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses;
- (c) Institutional Uses;
- (d) Office Uses;
- (e) Retail Uses;
- (f) Service Uses; and
- (g) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2.

4 **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.

5 **Floor area and density**

5.1 The floor area must not exceed 8 045 m² in non-dwelling uses and 18 628.4 m² in dwelling uses, except that approval by the Director of Planning of any dwelling use area requires the concurrent or prior approval of at least 8 045 m² of office, retail, or service uses.

5.2 Computation of floor area must include:

- (a) all floors having a minimum ceiling height of 1.2 m, both above and below ground level, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, to be measured by their gross-sectional areas and included in the measurements for each floor at which they are located, except that if the distance from the ground floor to the top of the roof joists where there is no intervening floor exceeds 3.7 m, inclusion of the floor area is to occur just once.

5.3 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, except that the total area of all such exclusions must not exceed 8% of the residential floor area being provided;

Note: *Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 9184 or provides an explanatory note.*

- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;
- (c) the floors or portions of floors used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, or uses which, in the opinion of the Director of Planning, are similar to the foregoing, 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) 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) residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² for a dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas accessory to residential use, except that the total area excluded must not exceed 328 m² in any building;
- (g) child day care facility; and
- (h) 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.

5.4 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%; and
- (b) unenclosed outdoor areas underneath tower building overhangs, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs except that the total area of all overhang exclusions must not exceed 2% of the total floor area being provided.

5.5 The use of floor space excluded, under this By-law, 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]

6 Height

6.1 The building height, measured above the base surface and to the top of the roof slab above the uppermost habitable floor, and including all rooftop appurtenances, mechanical room and decorative elements, must not exceed 118.5 m. [9311; 06 06 13]

6.2 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]

7 Parking, 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 parking requirements apply:
 - (i) for dwelling units less than 44 m² of gross floor area, a minimum of 0.3 and a maximum of 0.5 parking spaces for each dwelling unit,
 - (ii) for dwelling units of 44 m² or more of gross floor area but less than 70 m², the number of required and permitted parking spaces is to increase at a rate of 0.025 m² above 44 m² of gross floor area,

- (iii) for dwelling units of 70 m² or more of gross floor area, the number of required and permitted parking spaces is to increase at a rate of 0.008 for each square metre, and
- (iv) despite the preceding three clauses, each dwelling unit need have no more than two parking spaces and must have no more than 2.2 parking spaces; and
- (b) 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, or such greater substitution of co-operative vehicles and associated parking spaces at such ratio and for such number of dwelling units as they may consider appropriate with respect to the site.

8 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

9 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.

10 *[Section 10 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.]*

