



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

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## CD-1 (446)

### *1133 West Georgia Street*

### *By-law No. 9195*

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

***Effective November 23, 2005***

*(Amended up to and including By-law No. 10092, dated July 20, 2010)*

- 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
- 2.1    Words in this By-law have the meanings given to them in the Zoning and Development By-law except that Council deems the base surface for this sloped site to be 30.4 m.
- 2.2    In this By-law:
- “**co-operative parking space**” means a parking space reserved for the exclusive use of a co-operative vehicle; and
- “**co-operative vehicle**” means a four-wheeled automobile, van, or pick-up truck owned and operated by an organization which provides car-sharing services to its members.
- 3     Uses
- 3.1    The description of the area shown within the heavy black outline on Schedule A is CD-1 (446).
- 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 (446) 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 use 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    Computation of floor space ratio must assume that the site consists of 2 426.2 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications. [9575; 07 12 11]
- 5.2    The floor space ratio must not exceed 20.80, except that approval by the Director of Planning of any dwelling use requires the concurrent or prior approval by the Director of Planning of office, retail, or service uses having a floor space ratio of at least 9.0. [9575; 07 12 11] [10092; 10 07 20]

**Note:**     *Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 9195 or provides an explanatory note.*

- 5.3** Computation of floor area must include: [9575; 07 12 11]
- (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, measured by their gross-sectional areas and included in the measurements for each floor at which they are located.
- 5.4** Computation of floor space ratio and floor area must exclude: [9311; 06 06 13] [9575; 07 12 11]
- (a) open residential balconies or sundecks 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;
  - (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, heating and mechanical equipment, 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; [9311; 06 06 13]
  - (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 m<sup>2</sup> 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 3 048 m<sup>2</sup> 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.
- 5.5** 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] [9575; 07 12 11]
- (a) enclosed residential balconies if the Director of Planning or Development Permit Board 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) unenclosed outdoor areas underneath tower building overhangs, and any architectural canopy, trellis, or glazed roof that offers weather protection to open space available for common use by residents, visitors, or members of the public; [9575; 07 12 11]
  - (c) floor area in double-height space which is to count once only; and
  - (d) interior public space, including atria and other similar spaces, except that:
    - (i) the excluded area must not exceed the lesser of 10% of the permitted floor area and 557.42 m<sup>2</sup>,
    - (ii) a covenant and right of way in favour of the city, which sets out public access and use, must secure the excluded area, and
    - (iii) the Director of Planning must first consider all applicable policies and guidelines adopted by Council.
- [9575; 07 12 11]
- 5.6** 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] [9575; 07 12 11]

## 6 Height

**6.1** The building height, measured above the base surface to the top of the roof slab above the uppermost habitable floor, must not exceed 182.88 m, except that mechanical appurtenances and decorative roof may increase the building height to no more than 187.76 m. [9311; 06 06 13] [10092; 10 07 20]

**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 spaces

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law, except that there must be:

- (a) for non-dwelling uses, except for hotel:
  - (i) at least one parking space for each 145 m<sup>2</sup> of gross floor area,
  - (ii) no more than one parking space for each 115 m<sup>2</sup> of gross floor area, and
  - (iii) at least 1% of parking spaces designated as shared vehicle parking spaces for use by persons who are using a shared vehicle;
- (b) for dwelling uses:
  - (i) at least the lesser of one parking space for each 140 m<sup>2</sup> of gross floor area and one parking space for each dwelling unit,
  - (ii) no more than 0.5 parking space for each studio dwelling unit, one parking space for each one bedroom dwelling unit, 1.5 parking spaces for each two bedroom dwelling unit, and two parking spaces for each three or more bedroom dwelling unit,
  - (iii) 0.02 shared vehicle parking spaces for each dwelling unit, and, for parking calculation purposes, any number larger than or equal to 0.5 is to equal one,
  - (iv) at least 0.008 loading spaces, Class A for one to 299 dwelling units, and
  - (v) at least 0.006 loading spaces, Class A for more than 299 dwelling units; and
- (c) for hotel use, no more than 0.4 parking space for each sleeping or housekeeping unit.

[10092; 10 07 20]

## 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.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
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.]*

