



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

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## **CD-1 (490)**

*2304 West 8th Avenue*

*By-law No. 10123*

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

***Effective September 21, 2010***

*(Amended up to and including By-law No. 10453, dated March 27, 2012)*

## **1 Zoning District Plan amendment**

This By-law amends the Zoning District Plan attached as Schedule D to By-law No. 3575, and amends or substitutes the boundaries and districts shown on it, according to the amendments, substitutions, explanatory legends, notations, and references shown on the plan marginally numbered Z-616(c) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

## **2 Uses**

2.1 The description of the area shown within the heavy black outline on Schedule A is CD 1 (490).

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

- (a) Dwelling Uses, limited to Multiple Dwelling; and
- (b) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

## **3 Density**

3.1 The floor area for all uses, combined, must not exceed 2.05.

3.2 Computation of floor space ratio must include:

- (a) all floors, including earthen floors, 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 cross-sectional areas and included in the measurements for each floor at which they are located.

3.3 Computation of floor space ratio must exclude:

- (a) open residential balconies, sun decks, ground floor colonnades, porches 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 exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, 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:
  - (i) at or below the base surface except that the exclusion for a parking space must not exceed 7.3 m in length, or
  - (ii) in the case of off-street parking, above the base surface in an accessory building in the rear yard except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) areas of undeveloped floors located:
  - (i) above the highest storey or half-storey and to which there is no permanent means of access other than a hatch, or
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (e) 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> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;

*Note: Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 9600 or provides an explanatory note.*

- (g) neighbourhood amenity areas for the social and recreational enjoyment of residents, or that provide a service to the public, including facilities for general fitness or general recreation, and child day care, except that the total area excluded must not exceed 10% of the total floor space ratio;
- (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 except that this clause does not apply to walls in existence prior to March 14, 2000; and
- (i) with respect to exterior:
  - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
  - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),
 the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in this section meets the standards set out therein.

3.4 Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board, trellises and other garden structures which support the use of intensive green roofs, roof top gardens, and urban agriculture.

#### **4 Building height**

4.1 The building height must not exceed 13.7 m.

4.2 The Director of Planning, at his or her discretion, may permit a height greater than 13.7 m for:

- (a) architectural appurtenances, such as elevator enclosures, penthouses and stairwells, that:
  - (i) are necessary to give access to a rooftop garden,
  - (ii) do not exceed a height greater than 15.5 m, and
  - (iii) combined, do not cover more than 10% of the roof area; and
- (b) railings, trellises, screens, planters, and other similar elements that are an integral part of the rooftop garden or of the decks and balconies, and that do not exceed a height greater than 15.5 m.

#### **5 Setbacks**

The setback of each building, measured from the property line to the building face, must be at least:

- (a) 3.3 m from the north property line;
- (b) 0.9 m from the south property line;
- (c) 3.6 m from the east property line; and
- (d) 2.3 m from the west property line.

#### **6 Horizontal angle of daylight**

6.1 Each habitable room must have at least one window on an exterior wall of a building.

6.2 The location of each such exterior window must allow a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m. [10453; 12 03 27]

6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

- 6.4** If:
- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
  - (b) the minimum distance of unobstructed view is not less than 3.7 m;

the Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement.

- 6.5** An obstruction referred to in section 6.2 means:
- (a) any part of the same building including permitted projections; or
  - (b) the largest building permitted under the zoning on any site adjoining CD-1 (490).

- 6.6** A habitable room referred to in section 6.1 does not include:
- (a) a bathroom; or
  - (b) a kitchen whose floor area is the lesser of:
    - (i) less than 10% of the total floor area of the dwelling unit, or
    - (ii) less than 9.3 m<sup>2</sup>.

## **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) at least one parking space for each 160.0 m<sup>2</sup> of gross floor area;
- (b) of the parking spaces referred to in subsection (a), at least 1/3 must be visitor parking spaces and 1/3 disability parking spaces, and, for the purpose of this calculation, disability parking spaces are not to count as two;
- (c) at least 0.5 parking space for a scooter, being an electrically powered scooter having two or more wheels for the sole use of a person who has mobility challenges as a result of a physical disability or illness, for each dwelling unit, with an electrical outlet at each space;
- (d) at least 0.25 bicycle spaces, Class A for each dwelling unit, except that electrical outlets for electric bicycles are not necessary; and
- (e) at least six bicycle spaces, Class B;

unless any amendment to the Parking By-law results in any lesser requirement in which case the lesser requirement is to apply.

## **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 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 severs that part from this By-law, and is not to affect the balance of this By-law.

**10 Force and effect**

This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 21st day of September, 2010.

