



City of Vancouver *Zoning and Development By-law*

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CD-1 (502)

1304 Hornby Street

By-law No. 10248

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

Effective April 19, 2011

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-625 (b) 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 (502).
- 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 (502) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Dwelling Uses;
 - (b) Cultural and Recreational Uses, limited to Artist Studio – Class A, Billiard Hall and Fitness Centre;
 - (c) Institutional Uses;
 - (d) Office Uses;
 - (e) Retail Uses, limited to Adult Retail Store, Grocery or Drug Store and Retail Store;
 - (f) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Bed and Breakfast Accommodation, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop – Class B, Restaurant-Class 1; and
 - (g) Accessory Use customarily ancillary to any use permitted by this section 2.2.

3 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.

4 Density

- 4.1 The floor space ratio for all uses must not exceed 12.44.
- 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, 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, except that the total area of all such exclusions must not exceed 8 per cent 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) 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 base surface, except that the 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 m² for a dwelling unit there will be no exclusion for any of the residential storage space above base surface for that unit;
 - (e) 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 shall not apply to walls in existence prior to March 14, 2000; and
- (f) 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 subsection (ii) meets the standards set out therein.

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

- (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, except that:
 - (i) the total area of all open and enclosed balcony exclusions must not exceed 8 per cent of the residential floor area being provided, and
 - (ii) no more than 50 per cent of the excluded balcony floor area may be enclosed; and
- (b) amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20 per cent of the permitted floor area or 929 m².

4.5 The use of floor space excluded under section 4.3 or 4.4 must not include any purpose other than that which justified the exclusion.

5 Height

5.1 The building height, measured above the base surface, must not exceed 94.2 m.

5.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that the Director of Planning may permit a greater height than otherwise permitted for:

- (a) mechanical appurtenances such as elevator machine rooms; and
- (b) access and infrastructure required to maintain green roofs or urban agriculture, including stair and elevator enclosures, amenity areas, tool sheds, trellises and other garden structures, or roof-mounted energy technologies including solar panels, wind turbines and similar items, if the Director of Planning first considers:
 - (i) all applicable policies and guidelines adopted by Council, and
 - (ii) the effects on public and private views, shadowing, privacy, and noise impacts.

6 Parking, loading, and bicycle parking

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 parking, except that there must be:

- (a) at least 0.5 parking space for each dwelling unit with less than 50 m² of gross floor area;
- (b) not more than 0.65 parking space for each dwelling unit with 50 m² or more of gross floor area, plus one additional space for each additional 140 m² to a maximum of 189 m² of gross floor area; and
- (c) not more than 2 parking spaces for each dwelling unit with more than 189 m² of gross floor area.

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 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

8 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.

9 Force and effect

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

ENACTED by Council this 19th day of April, 2011.

