



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

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## **CD-1 (515)**

*999 Seymour Street*

*By-law No. 10349*

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

**Effective October 4, 2011**

*(Amended up to and including By-law No. 10384, dated November 1, 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-596 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 (515).
- 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 (515) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
- (a) Dwelling Uses;
  - (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
  - (c) Office Uses;
  - (d) Retail Uses;
  - (e) Service Uses; and
  - (f) 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 Floor area and density**

- 4.1 Computation of floor space ratio must assume that the site consists of 1 114.65 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.
- 4.2 The floor space ratio for all uses must not exceed 9.65, except that approval by the Director of Planning of any dwelling use requires the concurrent or prior approval by the Director of Planning of at least 2 230 m<sup>2</sup> of office, retail, or service uses.
- 4.3 Computation of floor space ratio must include 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.
- 4.4 Computation of floor space ratio must exclude:
- (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:
    - (i) the total area of such exclusions must not exceed 12 percent of the residential floor area, and
    - (ii) no enclosure of balconies is permissible for the life of the building;
- [10384; 11 11 01]
- (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;

*Note: Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 5836 or provides an explanatory note.*

- (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;
- (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 including day care facilities, recreation facilities, and meeting rooms, except that the total area excluded must not exceed 1 000 m<sup>2</sup> in any building; and
- (g) 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.

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

- (a) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
- (b) unenclosed outdoor areas at grade level underneath building overhangs, if:
  - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
  - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided.

[10384; 11 11 01]

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

## 5 Height

The building height, measured above the base surface and including all rooftop structures such as mechanical penthouse and architectural appurtenances, must not exceed 62.64 m.

## 6 Parking, loading, and bicycle parking

Any development or use of the site requires the provision and maintenance of off-street parking spaces, loading spaces, and bicycle spaces, in accordance with the Parking By-law.

[10384; 11 11 01]

## 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 14th day of October, 2011.

