



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

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## **CD-1 (522)**

*104 - 150 East 1st Avenue*

*By-law No. 10425*

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

***Effective February 14, 2012***

*(Amended up to and including By-law No. 10678, dated April 9, 2013)*

## **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-633 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

## **2 Definitions**

In this By-law:

“Custom-Built Motor Vehicle Manufacturing” means the use of premises for the manufacturing of custom-built motor vehicles, including chassis fabrication, body assembly, and mechanical assembly, and also means the use of the premises for research and development associated with the primary manufacturing use and any mechanical spaces required to support the primary manufacturing use, including, but not limited to, ventilation shafts. [10678; 13 04 09]

“Entry Alcoves” mean covered exterior spaces enclosed with vertical walls on three sides and adjacent to an entryway.

## **3 Uses**

3.1 The description of the area shown within the heavy black outline on Schedule A is CD 1 (522).

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 (522) 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, Seniors Supportive or Assisted Housing, and dwelling uses in conjunction with any use listed in this section 3.2;
- (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, and Special Needs Residential Facility;
- (c) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Clothing Manufacturing, Custom-Built Motor Vehicle Manufacturing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing – Class B, Furniture or Fixtures Manufacturing, Ice Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing – Class B, Non-metallic Mineral Products Manufacturing – Class B, Plastic Products Manufacturing, Printing or Publishing, Rubber Products Manufacturing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, Tobacco Products Manufacturing, and Wood Products Manufacturing, - Class B; [10678; 13 04 09]
- (d) Parking Uses;
- (e) Retail Uses, limited to Vehicle Dealer in conjunction with Custom-Built Motor Vehicle Manufacturing; [10678; 13 04 09]
- (f) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (g) Interim Uses not listed in this section 3.2, and accessory uses customarily ancillary to them, if:
  - (i) the Director of Planning or Development Permit Board, considers that the interim use will be compatible with and not adversely affect adjacent development, that either exists or that this By-law allows,
  - (ii) the Director of Planning or Development Permit Board, is satisfied that the interim use is easily removable, and is of low intensity or low in capital investment,

*Note: Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 4671 or provides an explanatory note.*

- (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (522), and
- (iv) any development permit for an interim use has a time limit of three years.

#### **4 Conditions of use**

- 4.1 Dwelling units are in an “intermediate zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.
- 4.2 The design and lay-out of at least 25% of the dwelling units must:
  - (a) be suitable for family housing;
  - (b) include two or more bedrooms; and
  - (c) comply with Council’s “High Density Housing for Families with Children Guidelines”.
- 4.3 All uses except dwelling uses must have direct access to grade.

#### **5 Density**

- 5.1 The total floor area for all uses combined must not exceed 12 292 m<sup>2</sup>, except that dwelling uses must not exceed 11 792 m<sup>2</sup>. [10678; 13 04 09]
- 5.2 Computation of floor area must include: [10678; 13 04 09]
  - (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
  - (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; and
  - (c) in the case of dwelling uses and live-work use, if the distance from a floor to the floor above, or in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height, except for additional amounts that represent undeveloped floor areas beneath roof elements, which the Director of Planning considers to be for decorative purposes, and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.
- 5.3 Computation of floor area must exclude: [10678; 13 04 09]
  - (a) open residential balconies or sun decks, entry alcoves 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) 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 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) 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) amenity areas, including day care facilities, recreation facilities, and meeting rooms, except that the exclusion must not exceed 1 000 m<sup>2</sup> ;
- (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, except that this clause is not to apply to walls in existence before March 14, 2000; and
- (h) 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) of this section meets the standards set out therein.

5.4 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board: [10678; 13 04 09]

- (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) 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;
- (c) 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;
- (d) features generally on the westerly facades of buildings to reduce solar gain, which may be in the form of french balconies and horizontal extensions; and
- (e) tool sheds, trellises and other garden structures, which support the use of intensive green roofs and urban agriculture, and, despite section 5.4(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden areas.

5.5 The use of floor area excluded under section 5.3 or 5.4 must not include any purpose other than that which justified the exclusion. [10678; 13 04 09]

## **6 Building height**

6.1 The building height, measured above base surface, and to the top of the roof slab above the uppermost habitable floor, excluding parapet wall must not exceed 41.1 m. [10678; 13 04 09]

6.2 Section 10.11 of the Zoning and Development By-law is to apply except that, despite section 10.11 and section 6.1 of this By-law, the Director of Planning or Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for structures which support the use of intensive green roofs or urban agriculture, such as elevator and stair enclosures, amenity areas, tool sheds, trellises, and other garden structures.

## **7 Horizontal angle of daylight**

- 7.1 Each habitable room must have at least one window on an exterior wall of a building.
- 7.2 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.
- 7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.
- 7.4 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.
- 7.5 An obstruction referred to in section 7.2 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 (522).
- 7.6 A habitable room referred to in section 7.1 does not include:
- (a) a bathroom; or
  - (b) a kitchen whose floor area is the lesser of:
    - (i) 10% or less of the total floor area of the dwelling unit, or
    - (ii) 9.3 m<sup>2</sup>.

## **8 Parking, loading, and bicycle spaces**

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.

## **9 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.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

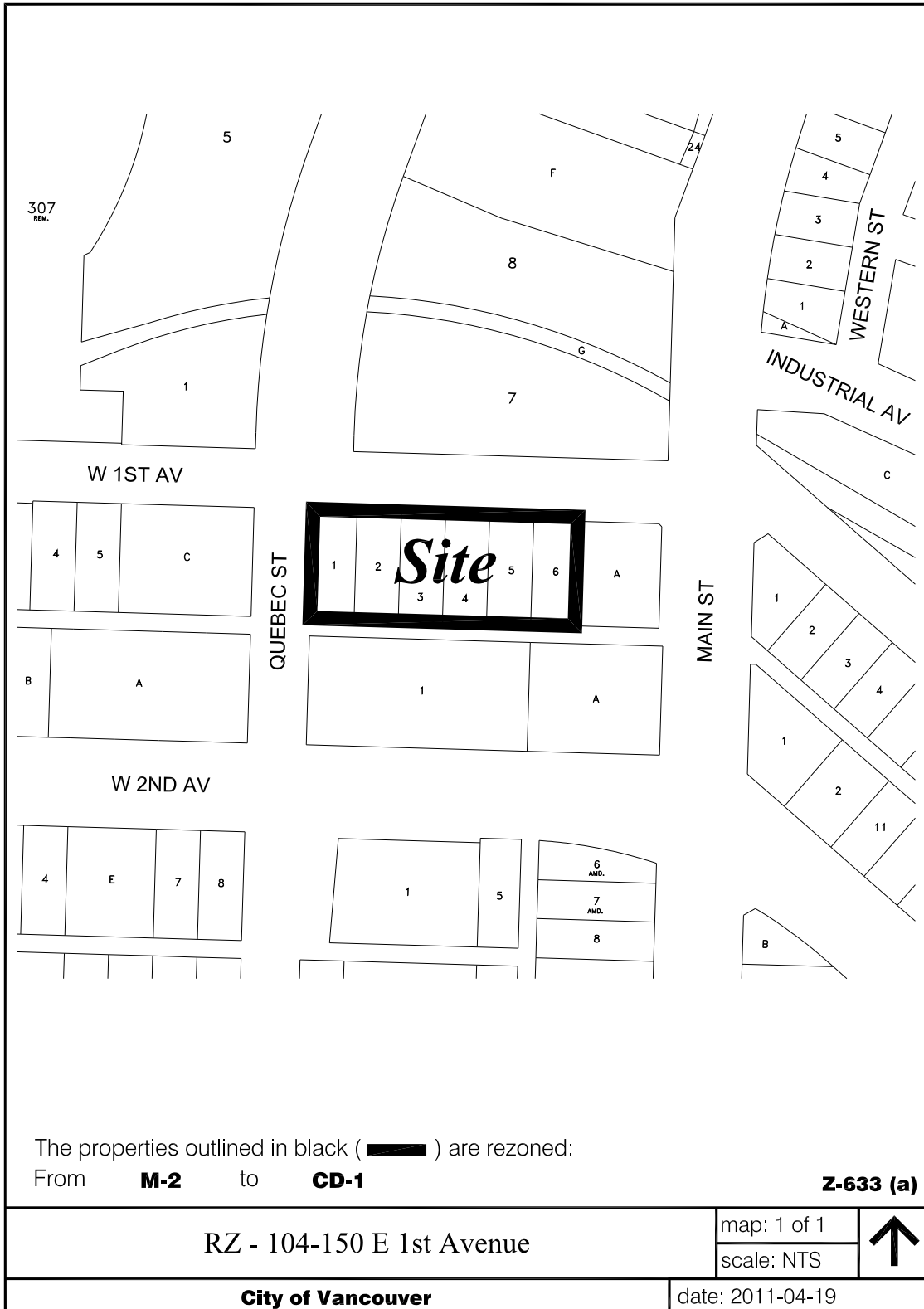
## **10 Severability**

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.

**11 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 February, 2012.



The properties outlined in black ( ) are rezoned:  
 From **M-2** to **CD-1**

**Z-633 (a)**

RZ - 104-150 E 1st Avenue

map: 1 of 1

scale: NTS



**City of Vancouver**

date: 2011-04-19