



City of Vancouver *Zoning and Development By-law*

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CD-1 (523)

8440 Cambie Street

By-law No. 10432

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

Effective February 28, 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-636 (b) 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:

“Bicycle Mobility Centre” means a building containing bicycle storage facilities, change rooms for cyclists, retail uses limited to the sale of bicycles, bicycle parts and accessories and bicycle rental, and service uses limited to bicycle repair; and

“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 (523).

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

- (a) Bicycle Mobility Centre;
- (b) Cultural and Recreational Uses;
- (c) Dwelling Uses;
- (d) Institutional Uses;
- (e) Office Uses;
- (f) Manufacturing Uses, limited to Clothing Manufacturing, Dairy Products Manufacturing, Food or Beverage Products Manufacturing – Class B, Jewellery Manufacturing, Miscellaneous Products Manufacturing - Class B, Printing or Publishing, Textiles or Knit Goods Manufacturing;
- (g) Parking Uses;
- (h) Retail Uses;
- (i) Service Uses;
- (j) Utility and Communication Uses;
- (k) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (l) any other use not specifically listed and defined as a use in section 2 of By-law No. 3575 which, in the opinion of the Director of Planning or the Development Permit Board, is comparable to the uses listed in this section 3.2.

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 Despite section 3.2, the only uses permitted within 10 m of any frontage on Marine Drive or on a pedestrian mews are retail, service, cultural and recreational uses, access to residential uses, and office uses, limited to financial institution.

5 Floor area

5.1 Floor area for all permitted uses must not exceed 81 473 m², except that:

- (a) floor area for Dwelling Uses must not exceed 30 823 m²; and
- (b) floor area for Grocery or Drug Store Use must be at least 2 500 m².

5.2 Computation of floor space ratio must include:

- (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 3.7 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 space ratio must exclude:

- (a) open residential balconies or sundecks, 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 12% 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 m² 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 total area excluded must not exceed 1 000 m²; and
- (g) floor area of a Bicycle Mobility Centre.

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

- (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 12% of the residential floor area being provided, and
 - (ii) enclosure of balcony floor area is limited to dwelling units facing Cambie Street, which are four floors or less above Marine Drive Station;
- (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;

- (c) passive design features, such as horizontal and vertical extensions, that contribute to solar control and improve energy performance; and
- (d) tool sheds, trellises and other garden structures, which support the use of intensive green roofs and urban agriculture, and, despite section 5.2(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 space excluded under section 5.3 or 5.4, must not include any purpose other than that which justified the exclusion.

6 Building height

6.1 The building height, measured from the building grade elevation at the southeast corner of Marine Drive and Cambie Street to the top of the parapet wall on the uppermost habitable floor, must not exceed 102.11 m.

6.2 The Director of Planning may permit a greater height than otherwise permitted by section 6.1, to a maximum of 107 m, for:

- (a) mechanical appurtenances such as elevator machine rooms;
- (b) access and infrastructure required to maintain green roofs or roof-mounted energy technologies, including solar panels and wind turbines;
- (c) decorative roof and enclosure treatments which, in the opinion of the Director of Planning, enhance the appearance of the building and integrate mechanical appurtenances; and
- (d) similar items;
if the Director of Planning first considers:
 - (i) the effects on public and private views, shadowing, privacy, and noise impacts, and
 - (ii) all applicable policies and guidelines adopted by Council.

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 (523).

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) less than 10% of the total floor area of the dwelling unit, or

- (ii) less than 9.3 m².

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, except that:

- (a) for residential use, there must be:
 - (i) a minimum of 0.40 space for each dwelling unit, plus one space for each 285 m² of floor area, and
 - (ii) a maximum of 0.55 space for each dwelling unit, plus one space for each 220 m² of floor area;
- (b) for non residential use, there must be:
 - (i) a minimum of 1.00 space for each 88 m² of floor area, and
 - (ii) a maximum of 1.00 space for each 48 m² of floor area.

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.

| Portions of dwelling units | Noise levels (Decibels) |
|-----------------------------------|--------------------------------|
| Bedrooms | 35 |
| Living, dining, recreation rooms | 40 |
| Kitchen, bathrooms, hallways | 45 |

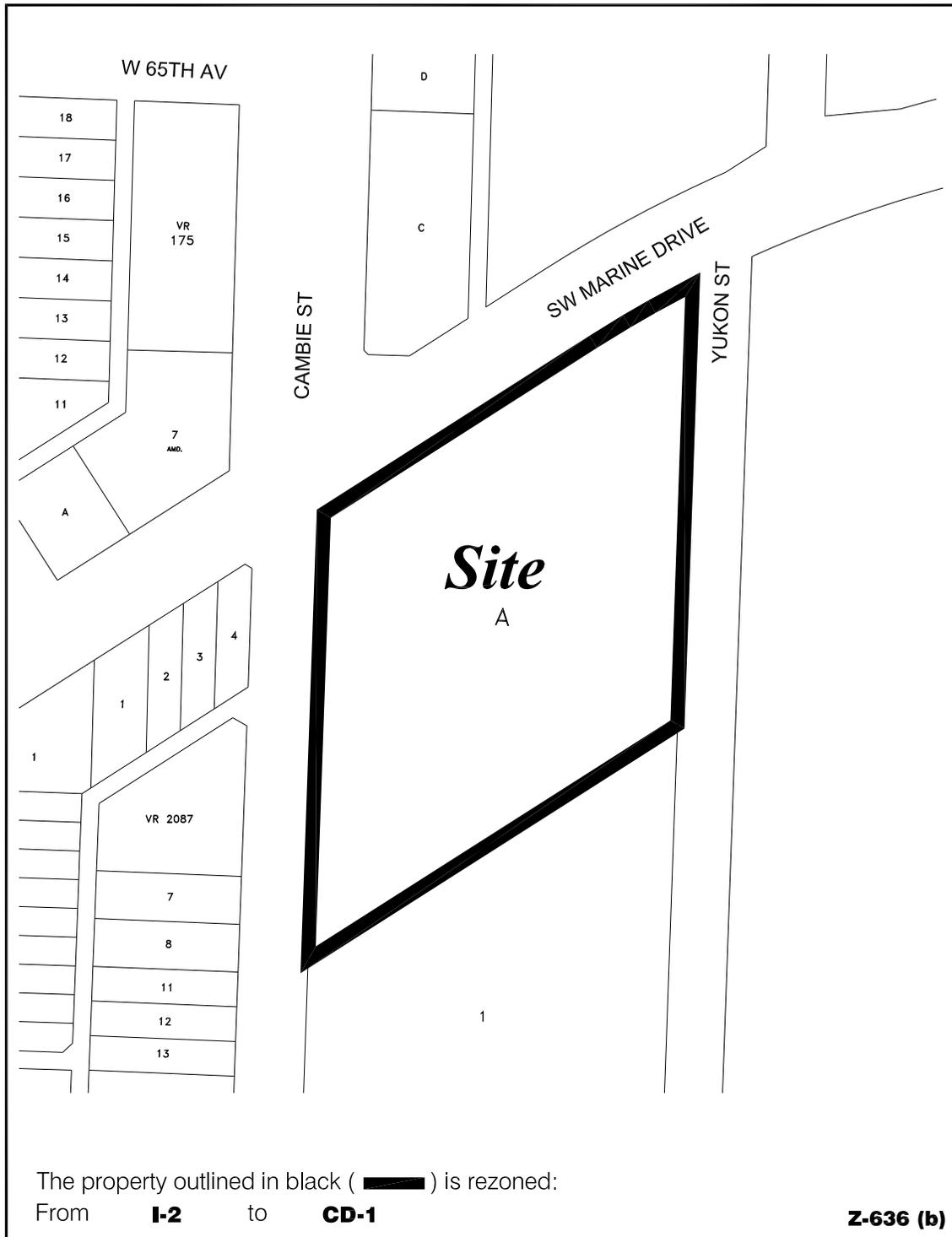
10 Severability

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 28th day of February, 2012.



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| RZ - 8440 Cambie Street | | map: 1 of 1 | ↑ |
| | | scale: NTS | |
| City of Vancouver | | date: 2011-06-24 | |