



City of Vancouver *Zoning and Development By-law*

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CD-1 (539)

1401 Comox Street

By-law No. 10608

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

Effective November 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-646 (a) 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 (539).

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

- (a) Multiple Dwelling;
- (b) Cultural and Recreational Uses, limited to park or playground;
- (c) Institutional Uses, limited to Child Day Care Facility; and
- (d) Accessory Uses customarily ancillary to the uses listed in this section 2.2.

3 Density

3.1 Computation of floor space ratio must assume that the site consists of 1 606.5 m², being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

3.2 The floor space ratio for all uses must not exceed 7.19.

3.3 Computation of floor space ratio must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the buildings; 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.

3.4 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:
 - (i) the total area of all exclusions must not exceed 12 % of the residential floor area being provided, and
 - (ii) no enclosure of balconies is permissible for the life of the building;
- (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) amenity areas including day care facility and amenity areas accessory to a residential use, including recreation facilities and meeting rooms, except that:
 - (i) the total excluded area must not exceed the lesser of 10 % of the permitted floor space or 1 000 m², and
 - (ii) there may be an additional excluded area of the lesser of 10 % or 500 m² for day care facilities, if the Director of Planning, on the advice of the Director of Social Planning is satisfied that a need exists for a day care facility in the immediate neighbourhood;

- (e) 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;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m;
- (g) 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; and
- (h) bicycle storage at or below base surface, except there must be a secured and separate bicycle room equipped with bicycle racks capable of storing at least one bicycle for every four dwelling units.

3.5 The use of floor space excluded under section 3.4 must not include any purpose other than that which justified the exclusion.

4 Building height

4.1 The building height, measured above base surface, must not exceed 61 m.

4.2 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 mechanical appurtenances such as elevator machine rooms.

5 Horizontal Angle of Daylight

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

5.2 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.

5.3 Measurement of the plane or planes referred to in section 5.2 must be horizontally from the centre of the bottom of each window.

- 5.4 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 the 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.

- 5.5 An obstruction referred to in section 5.2 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 (539).

- 5.6 A habitable room referred to in section 5.1 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 m².

6 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

7 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.

8 Force and effect

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

ENACTED by Council this 27th day of November, 2012.



The properties outlined in black () are rezoned:

From **RM-5** to **CD-1**

Z-646 (a)

RZ - 1401 Comox Street

map: 1 of 1

scale: NTS



City of Vancouver

date: 2012-05-24