



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

**Planning, Urban Design and Sustainability Department**

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## CD-1 (551)

*1265–1281 Howe Street and 803-821 Drake Street*

**[By-law No. 10754](#)**

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

***Effective July 24, 2013***

*Amended up to and including:*

**[By-law No. 12415](#)**, dated April 23, 2019

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-644 (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 (551).

2.2 Subject to approval by Council of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in the By-law or in a development permit, the only uses permitted and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Cultural and Recreational Uses, limited to Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, and Theatre; [12415; 2019 04 23]
- (b) Dwelling Uses;
- (c) Institutional Uses, limited to Child Day Care Facility;
- (d) Retail Uses, limited to Adult Retail Store, Grocery or Drug Store, and Retail Store;
- (e) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Repair Shop – Class B, and Restaurant – Class 1; and
- (f) Accessory Use customarily ancillary to any use permitted by this section.

3 Density

3.1 For the purposes of computing floor space ratio, the site is deemed to be 2 510 m<sup>2</sup> being the site size at the time of application for rezoning, prior to any dedications.

3.2 The floor space ratio for all uses must not exceed 9.15.

3.3 Retail and service uses are limited to a maximum of 278.7 m<sup>2</sup> per individual retail unit.

3.4 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.

3.5 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 % 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 the 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 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.

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 10754 or provides an explanatory note.

- 3.6 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 or sundeck exclusions must not exceed 8 % of the residential floor area being provided; and
    - (ii) no more than 50 % of the excluded balcony floor area may be enclosed;
  - (b) amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 20 % of the permitted floor area or 929 m<sup>2</sup>; and
  - (c) cultural uses secured to the City's satisfaction for public use and benefit.

3.7 The use of floor space excluded under section 3.5 or 3.6 must not include any purpose other than that which justified the exclusion.

#### 4 Building height

The building height, measured above base surface, must not exceed 114.3 m.

#### 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 (551).

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 m<sup>2</sup>.

#### 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.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
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 24th day of July, 2013.



**CD-1 (551)**  
**Back-up Notes Summary Page**  
**1265-1281 Howe Street and 803-821 Drake Street**

Public Hearing – *April 16, 2012* – Item 2 – [Agenda](#) | [Minutes](#)

Summary – Rezone from DD (Downtown) District to permit development of a 41-storey residential tower with a five-storey mixed-use podium, including 348 dwelling units of which 20 would be market rental, a 10,872 sq. ft. cultural amenity providing artist studios, 4,224 sq. ft. of retail uses, and 321 below-grade parking spaces, at a height of 114.3 m (375 ft.) and a floor space ratio (FSR) of 9.15.

By-law enacted on July 24, 2013 – [By-law No. 10754](#) (Zoning and Development)

By-laws enacted on September 24, 2013 – [By-law No. 10782](#) (Noise), [By-law No. 10783](#) (Parking), [By-law No. 10784](#) (Sign)

Public Hearing – *April 2, 2019* – Item 2 – [Agenda](#) | [Minutes](#)

Summary – Amend CD-1 (551) to add Arts and Culture Indoor Event as a permitted use.

By-law enacted on April 23, 2019 – [By-law No. 12415](#) (Zoning and Development)