



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

**Planning, Urban Design and Sustainability Department**

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## CD-1 (561)

### *955 East Hastings Street*

### *By-law No. 10872*

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

***Effective March 11, 2014***

*(Amended up to and including By-law No. 11896, dated September 19, 2017)*

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-648 (a) attached as Schedule A to this by-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Definitions

Words In this by-law have the meaning given to them in the Zoning & Development By-law, except that:

“Brewing” means the use of premises for the brewing of alcoholic beverages or beverage products with alcohol content not exceeding 12% by volume; and

“First Storey” means the storey located at grade level adjacent to Hastings Street;

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (561).

3.2 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 this by-law or in a development permit, the only uses permitted within CD-1 (561) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling units in conjunction with any of the uses listed in this section 3.2;
- (b) Cultural and Recreational Uses, limited to Artist Studio;
- (c) Manufacturing Uses, limited to Bakery Products Manufacturing, Batteries Manufacturing, Brewing, Dairy Products Manufacturing, Electrical Products or Appliances Manufacturing, Food or Beverage Products Manufacturing - Class B, Furniture or Fixtures Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Miscellaneous Products Manufacturing - Class B, Non-metallic Mineral Products Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Shoes or Boots Manufacturing, Software Manufacturing, Textiles or Knit Goods Manufacturing, and Wood Products Manufacturing - Class B;
- (d) Office Uses;
- (e) Retail Uses, excluding Gasoline Station - Full Service, Gasoline Station - Split Island, and Vehicle Dealer;
- (f) Service Uses, limited to Barber Shop or Beauty Salon, Catering Establishment, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop - Class B, and Restaurant;
- (g) Utility and Communication Uses, limited to Radiocommunication Station;
- (h) Wholesales Uses, limited to Wholesaling - Class A and Wholesaling - Class B; and
- (i) Accessory Uses customarily ancillary to any use permitted in this section.

4 Conditions of Use

4.1 No portion of the first storey of a building to a depth of 10.7 m from the front wall of the building and extending across its full width shall be used for any residential purpose except as entrances to the residential portion.

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 11872 or provides an explanatory note.

4.2 Dwelling units are in an “activity zone” as defined in the Noise Control By-law, and, as such, are subject to the noise levels permitted in industrial and downtown districts.

4.3 Despite the provisions of section 3.2:

- (a) retail uses, and service uses limited to Barber Shop or Beauty Salon, Neighbourhood Public House and Restaurant, are only permitted on the first storey of a building, except that, at the front portion of the first storey, such uses must be limited to no more than 50% of the full width of the front portion of the first storey, to a depth of 10.7m measured from the front wall of the building; and
- (b) office uses are only permitted on the first storey of a building, except that such uses are limited to those portions of the first storey extending across its full width and beyond a depth of 10.7 m measured from the front wall of the building or from a wall of the building facing an exterior plaza.

## 5 Floor area and Density

5.1 For the purposes of computing floor space ratio, the site is deemed to be 4 536.3 m<sup>2</sup> being the site size at the time of application for rezoning, prior to any dedications.

5.2 The floor space ratio for all uses must not exceed 6.15, except that:

- (a) the maximum floor area for office uses must not exceed 1 318 m<sup>2</sup>; and [11896; 17 09 19]
- (b) the maximum floor area for combined retail uses and service uses limited to Barber Shop or Beauty Salon, Neighbourhood Public House, and Restaurant, must not exceed 1 150 m<sup>2</sup>.

5.3 Computation of floor area must include:

- (a) all floors, including earthen floor, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features, which the Director of Planning considers similar, to be measured by their gross cross-sectional areas, and included in the measurements for each floor at which they are located.

5.4 Computation of floor area 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 permitted 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 elevation of East Hastings Street, except that the maximum exclusion for a parking space must not exceed 7.3 m in length and the maximum exclusion for heating and mechanical equipment must not exceed 1.4 m<sup>2</sup> in each unit;
- (d) amenity areas, including day care facilities, recreation facilities and meeting rooms, provided that the total area excluded does not exceed 10% of total floor area;
- (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) 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 dwelling unit; and
- (g) above grade floor area built as open to below, designed in combination with venting skylights, opening clerestory windows or other similar features which, in the opinion of the Director of Planning, reduce energy consumption or improve natural light and ventilation, to a maximum exclusion of 1% of permitted floor area.

5.5 The Director of Planning may exclude enclosed residential balconies from the computation of floor area provided that:

- (a) the Director of Planning first considers all applicable Council policies and guidelines and approves the design of any balcony enclosure;
- (b) the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8% of total residential floor area; and
- (c) no more than 50% of the excluded balcony floor area is enclosed.

5.6 The use of floor area excluded under sections 5.4 and 5.5 must not include any purpose other than that which justified the exclusion.

## 6 Building height

6.1 Building height must be measured in metres from the established building grades at the Hastings Street property line.

6.2 Building height measured from the top of the roof slab above the uppermost habitable floor must not exceed 36.6 m.

## 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 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.

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 (561).

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 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

9 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.

10 Force and effect

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

ENACTED by Council this 11th day of March, 2014.

