

CD-1 (562)

508 Helmcken Street

By-law No. 10870

Being a By-law to Amend Zoning and Development By-law No. 3575

Effective March 11, 2014

Amended up to and including:

By-law No. 11192, dated April 16, 2015

By-law No. 12142, dated June 19, 2018

By-law No. 12189, dated July 24, 2018

By-law No. 12550, dated October 1, 2019

Consolidated for Convenience Only

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to this CD-1 By-law or provides an explanatory note.

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-741 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575. [12550; 2019 10 01]

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (562).

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

- (a) Dwelling Uses;
- (b) Institutional Uses, limited to Child Day Care Facility;
- (c) Retail Uses, limited to Grocery or Drug Store, Public Bike Share, and Retail Store; [12142; 2018 06 19] [12550; 2019 10 01]
- (d) 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, Restaurant - Class 1; and
- (e) Accessory uses customarily ancillary to the uses permitted in this Section 2.2.

3 Conditions of Use

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 Floor Area and Density

4.1 For the purposes of computing floor space ratio, the site is deemed to be 1,945.8 m², being the site size at the time of application for rezoning, prior to any dedications.

4.2 The floor space ratio for all uses must not exceed 17.19.

4.3 Floor area for retail and service uses must not exceed 464.5 m².

- 4.4 Computation of floor area 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.
- 4.5 Computation of floor area must exclude:
- (a) open residential balconies or sun decks 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 such exclusions must not exceed 12% of the residential floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (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; and
 - (d) 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 will be no exclusion for any of the residential storage space above base surface for that unit.
- 4.6 Computation of floor area may exclude amenity areas, at the discretion of the Director of Planning or Development Permit Board, except that the exclusion must not exceed the lesser of 20% of the permitted floor area or 929 m².
- 4.7 The use of floor area excluded under section 4.5 or 4.6 must not include any purpose other than that which justified the exclusion.

5 Building Height

The building height, measured above base surface, must not exceed 97.5 m, except that the building must not protrude into the approved view corridors, as set out in the City of Vancouver View Protection Guidelines.

6 Horizontal Angle of Daylight

- 6.1 Each habitable room must have at least one window on an exterior wall of a building.
- 6.2 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.
- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.

- 6.4 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.
- 6.5 An obstruction referred to in section 6.2 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 (562).
- 6.6 A habitable room referred to in section 6.1 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.

7 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.

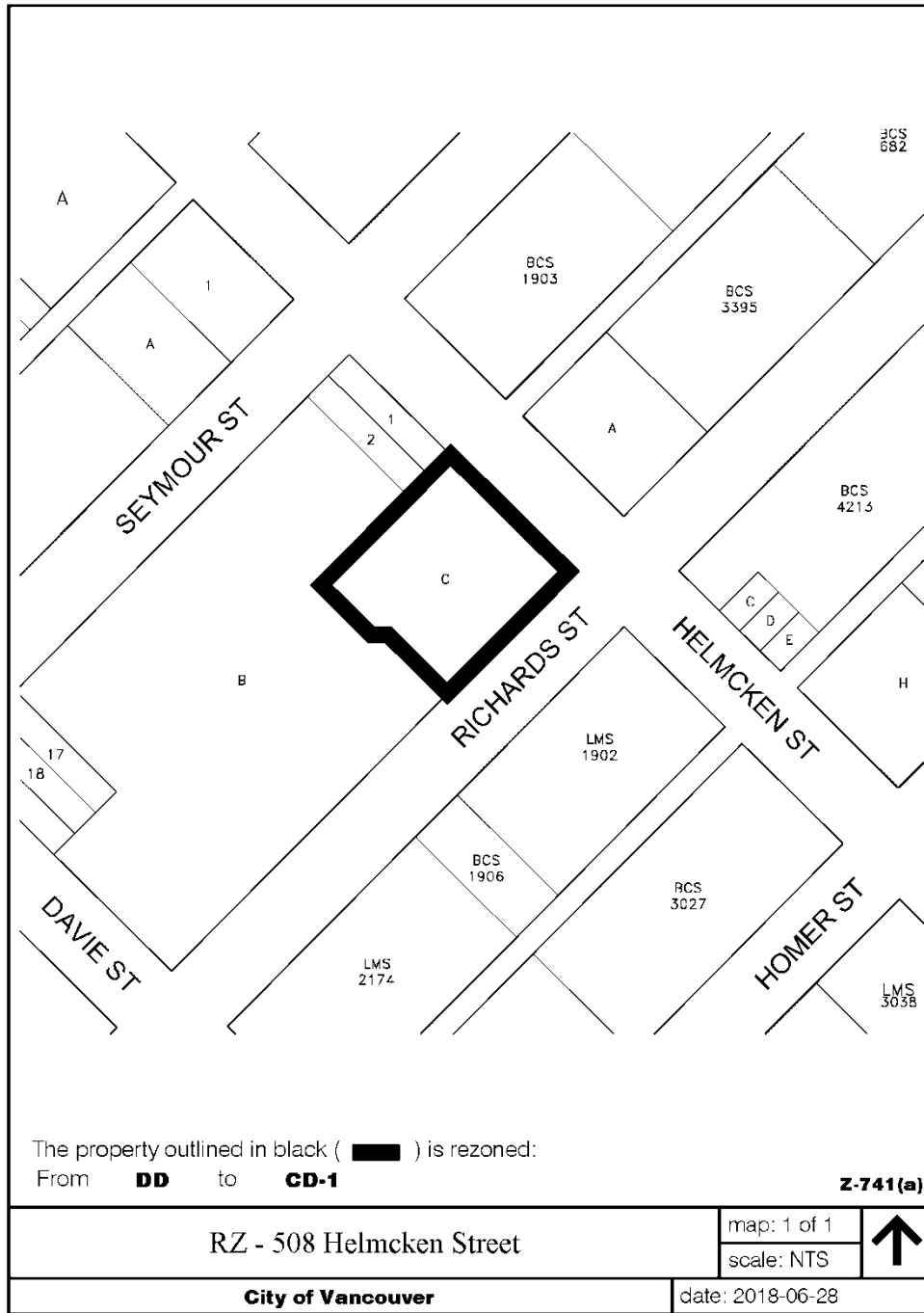
Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

8 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.

- 9 *[Section 9 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and certify the by-law number and date of enactment.]*

Schedule A



[12189; 2018 07 24]

Public Hearing – July 16, 2013 – Item 1 – [Agenda](#)

Approved – July 23, 2013 – Item 1 of Unfinished Business – [Agenda](#)

Summary – Rezone from DD (Downtown) District to allow for a 36-storey building with 448 residential units, of which 110 are secured market rental, with retail and a private pre-school/kindergarten space at grade, at a density of 17.19 FSR and height of 97.5 m (320 ft.).

By-law enacted on March 11, 2014 – [By-law No. 10870](#)

Public Hearing – April 14, 2015 – Item 1 – [Agenda](#)

Approved – April 15, 2015 – Item 1 of Unfinished Business – [Agenda](#)

Summary – In response to a court challenge to the rezoning and the resulting B.C. Supreme Court decision, the By-law for 508 Helmcken Street was quashed and it was directed that a new public hearing be held. Report brings back to Council same rezoning application with some exceptions.

By-law enacted on April 16, 2015 – [By-law No. 11192](#)

Public Hearing – June 5, 2018 – Item 2 – [Agenda](#)

Summary – Amend CD-1 (562) By-law No. 10870 to include Public Bike Share as a permitted use.

By-law enacted on June 19, 2018 – [By-law No. 12142](#)

Public Hearing – July 17, 2018 – Item 1 – [Agenda](#)

Summary – The B.C Supreme Court decision to quash By-law No. 10870 was overturned by the B.C. Court of Appeal, which resulted in two CD-1 by-laws in-force at this site. Repeal CD-1 (598) By-law No. 11192 and the amending Sign By-law No. 11193, and amend CD-1 (562) By-law No. 10870 to correct the CD-1 area.

By-law enacted on July 24, 2018 – [By-law No. 12189](#)

Public Hearing – September 10, 2019 – Item 4 – [Agenda](#)

Summary – Amend CD-1 (562), By-law No. 10870, to correct a map numbering error and remove Adult Retail Store use which was overlooked in the last amendment that reconciled the two by-laws.

By-law enacted on October 1, 2019 – [By-law No. 12550](#)