



City of Vancouver *Zoning and Development By-law*

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CD-1 (71)

445 South West Marine Drive (Marine Gardens) By-law No. 4570

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

Effective July 27, 1971

(Amended up to and including By-law No. 11316, dated July 21, 2015)

1 Zoning District Plan Amendment

The plan attached to and forming an integral part of By-law no. 3575 and designated as the “Zoning District Plan” and marked as Schedule “D” to said By-law is hereby amended according to the plan marginally numbered Z-134-C annexed to this By-law and marked as Schedule “D” hereto, and in accordance with the explanatory legend, notations, references and boundaries designated, described, delimited and specified in particularity shown upon said plan annexed hereto; and the various boundaries and districts shown upon the plan hereto annexed respectively are an amendment of and in substitution for the respective districts, designated and marked on said Schedule “D” of said By-law No. 3575 in so far as the same are changed, modified or varied thereby, and the said Schedule “D” annexed to said By-law No. 3575 shall be deemed to be and is hereby declared to be amended accordingly and the said Schedule “D” attached to this By-law is hereby declared to be and shall form an integral part of said plan marked as Schedule “D” to said By-law No. 3575, as if originally incorporated therein, and shall be interpreted accordingly.

2 Definitions

Words in this By-law have the meanings given to them in the Zoning and Development By-law except that:

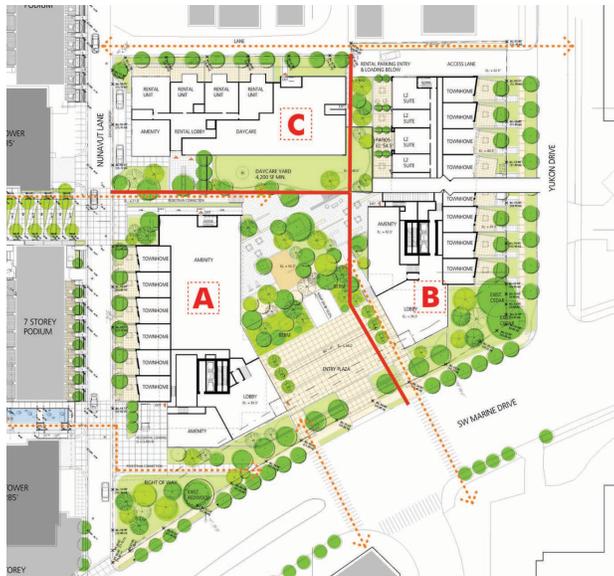
“Geodetic Datum means the current vertical reference surface adopted and used by the City of Vancouver.”

[11316; 15 07 21]

3 Sub-areas

The site is to consist of three sub-areas approximately as illustrated in Figure 1, solely for the purpose of allocating height.

Figure 1 - Sub-Areas



[11316; 15 07 21]

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to By-law No. 4570 or provides an explanatory note.

4 Uses

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

- (a) Dwelling Uses, in conjunction with any of the uses listed in this section;
- (b) Institutional Uses, limited to Child Day Care Facility;
- (c) Retail Uses, limited to Public Bike Share; and
- (d) Accessory Use customarily ancillary to any use permitted by this section 4.

[11316; 15 07 21]

5 Conditions of use

5.1 All commercial uses permitted by this By-law shall be carried on wholly within a completely enclosed building except for Public Bike Share.

5.2 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".

[11316; 15 07 21]

6 Floor area and density

6.1 Computation of floor space ratio must assume that the site consists of 9 213 m², being the site size at the time of application for the rezoning evidenced by this By-law, prior to any dedications.

6.2 The floor space ratio for all uses must not exceed 4.21.

6.3 Computation of floor area must include all floors, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.

6.4 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:
 - (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;
- (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² for a dwelling unit there will be no exclusion for any of the residential storage area above base surface for that unit; and
- (e) floor area used for the purpose of a Child Day Care Facility.

- 6.5 Computation of floor area may exclude amenity areas, except that the total exclusion for amenity areas must not exceed the lesser of 20% of permitted floor area or 929 m².
- 6.6 The use of floor area excluded under section 6.4 or 6.5 must not include any purpose other than that which justified the exclusion.

[11316; 15 07 21]

7 Building height

- 7.1 Building height on the site must be measured in metres referenced to Geodetic Datum.
- 7.2 Building height, measured from the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed the maximum heights set out on the table below.

Sub-area	Maximum building height
A	85.70 m
B	70.46 m
C	35.50 m

- 7.3 Despite the provisions of section 7.2, the Director of Planning may permit portions of buildings to exceed the permitted maximum height by no more than 7.6 m, if:
- (a) the Director of Planning first considers the location and sizing of such portions of buildings in relation to views, overlook, shadowing, and noise impacts;
 - (b) the Director of Planning first considers all applicable Council policies and guidelines; and
 - (c) those portions of buildings which exceed the permitted maximum height are:
 - (i) mechanical appurtenances such as elevator machine rooms,
 - (ii) access and infrastructure required to maintain green roofs or urban agriculture, roof-mounted energy technologies including solar panels and wind turbines,
 - (iii) decorative roof and enclosure treatments provided that the roof and enclosure treatment enhances the overall appearance of the building and appropriately integrates mechanical appurtenances, or
 - (iv) items similar to any of the above.

[11316; 15 07 21]

8 Horizontal angle of daylight

- 8.1 Each habitable room must have at least one window on an exterior wall of a building.
- 8.2 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 m.
- 8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.
- 8.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement 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.

8.5 An obstruction referred to in section 8.2 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 (71).

8.6 A habitable room referred to in section 8.1 does not include:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

[11316; 15 07 21]

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

[11316; 15 07 21]

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 shall come into force and take effect on and after the date of the final passing hereof.

DONE AND PASSED in open Council this 27th day of July, 1971.

(original signed Thomas J. Campbell)
MAYOR

(original signed Ronald Thompson)
CITY CLERK

“I hereby certify that the foregoing is a correct copy of a By-law duly passed by the Council of the City of Vancouver on his 27th day of July, 1971, and numbered 4570.

CITY CLERK”

