

CD-1 (442)

505-589 Smithe Street,
878-880 Seymour Street and
861-869 Richards Street
(formerly 898 Seymour Street and
887-897 Richards Street)

By-law No. 9173

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

Effective November 1, 2005

Amended up to and including:

By-law No. 9311, dated June 13, 2006

By-law No. 12764, dated September 15, 2020

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-570A 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 meanings given to them in the Zoning and Development By-law except that:

“Base Surface” means the base surface calculated from the official established building grades; and

“General Office Live-Work” means the use of premises for a dwelling unit, general office, or both uses in conjunction with one another, provided that:

- (a) any such use must not include any dating service, entertainment service, exotic dancer business, social escort service or other similar business, as determined by the Director of Planning in consultation with the Chief License Inspector; and
- (b) any development permit for such premises shall be for dwelling units, general office, and dwelling unit combined with general office.

3 Uses

3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (442).

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

- (a) Cultural and Recreational Uses;
- (b) Dwelling Uses;
- (c) General Office Live-Work;
- (d) Institutional Uses;
- (e) Office Uses;
- (f) Parking Uses;
- (g) Retail Uses;
- (h) Service Uses; and

- (i) Accessory Use customarily ancillary to any of the uses permitted by this section 3.2.

4 Conditions of Use

- 4.1 Dwelling units are in an “activity zone” as defined in the Noise Control By-law, and, as a result, are subject to noise from surrounding land uses and street activities at levels permitted in industrial and downtown districts.
- 4.2 Any development permit issued for general office live-work must be for dwelling units, general office, and dwelling unit combined with general office.
- 4.3 Parking uses, except for accessory uses:
 - (a) if they are above grade, must not exceed 9 090 m² of gross floor area; and
 - (b) must consist of not more than 225 spaces, except that the Manager of Engineering Services may approve up to 25 additional spaces that fit within the gross floor area set out in subsection (a).

5 Density

- 5.1 For the purposes of calculating floor area inclusions and exclusions, and required or permitted parking, loading, bicycle, and passenger spaces, Council deems general office live-work to be multiple dwelling use.
- 5.2 The floor area must not exceed 36 280.2 m², except that approval by the Director of Planning of any dwelling use area requires the concurrent or prior approval of at least 7 804 m² of office, retail, or service uses including net public parking area in respect of which each 1 m² of floor area for parking uses above grade is to count as 0.70 m². [12764; 2020 09 15]
- 5.3 Computation of floor area must include:
 - (a) all floors having a minimum ceiling height of 1.2 m, both above and below ground level, 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-sectional areas and included in the measurements for each floor at which they are located.
- 5.4 Computation of floor space ratio and floor area must exclude: [9311; 2006 06 13]
 - (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 the total area of all such exclusions must not exceed 8% of the residential floor area being provided;
 - (b) patios and roof gardens only if the Director of Planning first approves the design of sunroofs and walls;

- (c) the floors or portions of floors 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, which are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length; [9311; 2006 06 13]
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m and to which there is no permanent means of access other than a hatch;
- (e) 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;
- (f) amenity areas accessory to residential use, except that the total area excluded must not exceed 328 m² in any building;
- (g) child day care facility; and
- (h) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness, except that this clause does not apply to walls in existence prior to March 14, 2000.

5.5 Computation of floor space ratio and floor area may exclude, at the discretion of the Director of Planning or Development Permit Board: [9311; 2006 06 13]

- (a) enclosed residential balconies if 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) enclosure of the excluded balcony floor area must not exceed 50%; and
- (b) unenclosed outdoor areas underneath tower building overhangs and porte-cochere area, if the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs.

5.6 The use of floor space excluded, under this By-law, from the computation of floor space ratio and floor area must not be for any purpose other than that which justified the exclusion. [9311; 2006 06 13]

6 Height

6.1 The building height, measured above the base surface to the top of the roof slab above the uppermost habitable floor, but excluding the mechanical penthouse, roof garden and roof, must not exceed:

(a) 91.4 m for any building except a second tower; and

(b) 82.3 m for a second tower.

[9311; 06 06 13]

6.2 Section 10.11, entitled Relaxation of Limitations on Building Height, of the Zoning and Development By-law, does not apply to this By-law. [9311; 2006 06 13]

7 Parking, Loading and Bicycle Storage and Passenger Spaces

7.1 Any development or use of the site requires the provision, development, and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking, loading, and bicycle storage and passenger spaces, except that parking for dwelling uses must meet the requirements of section 4.3.9 Dwelling Uses – DD District (Downtown South).

7.2 The Director of Planning and General Manager of Engineering Services, on conditions that are satisfactory to them, may allow the substitution of co-operative vehicles and associated parking spaces for the required parking spaces at a 1:3 ratio, up to 1 co-operative vehicle for each 60 dwelling units, rounded to the nearest whole number, or such greater substitution of co-operative vehicles and associated parking spaces at such ratio and for such number of dwelling units as they may consider appropriate with respect to the site.

8 Acoustics

8.1 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 the 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

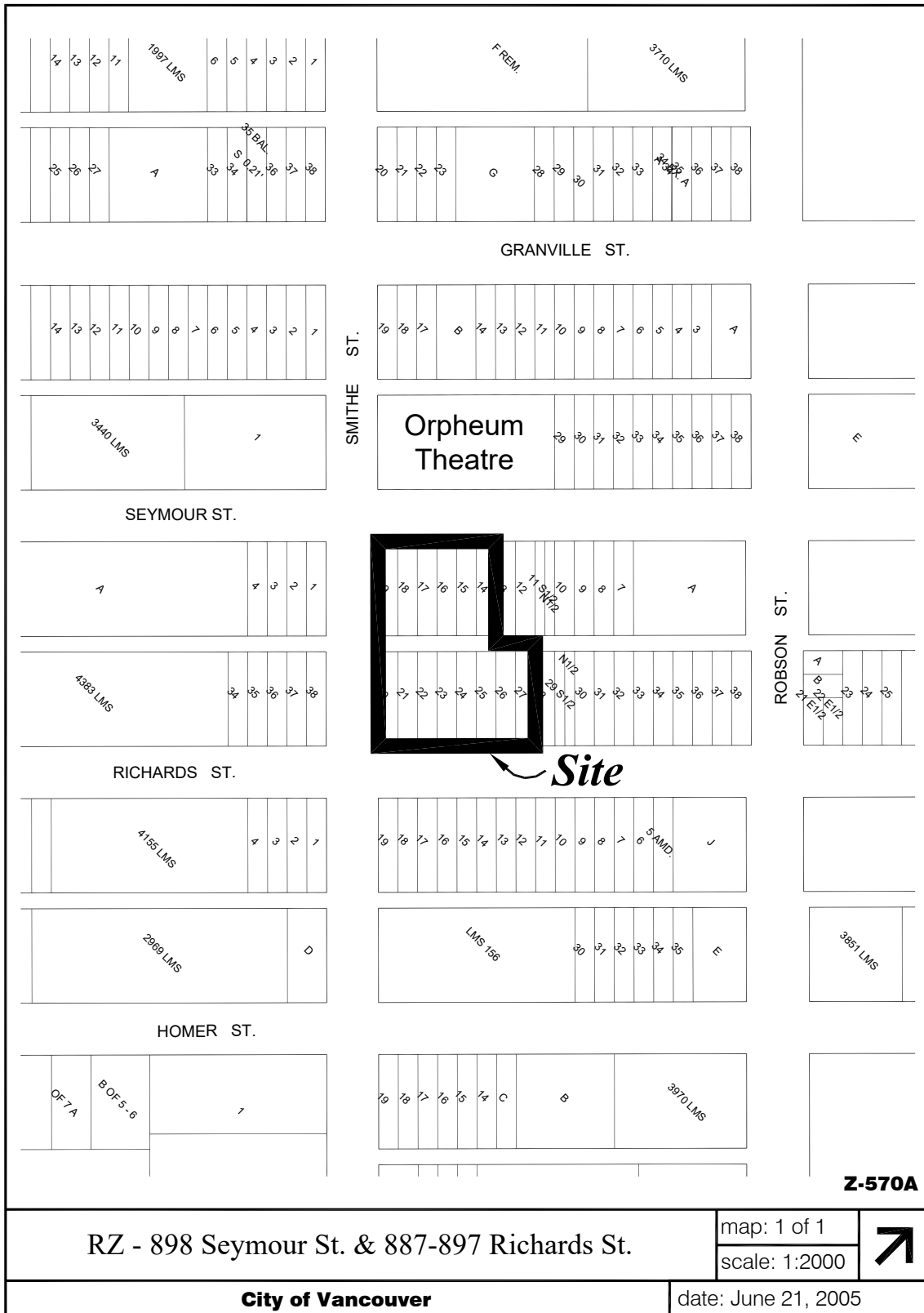
8.2 The noise level in General Office Live-Work units shall not exceed 40 decibels.

9 Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of the By-law.

- 10** *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

Schedule A



RZ - 898 Seymour St. & 887-897 Richards St.

map: 1 of 1

scale: 1:2000



City of Vancouver

date: June 21, 2005

Public Hearing – July 14, 2005- Item 2 – [Agenda](#)

Summary – Rezone from DD to permit a 4-storey podia containing retail and service uses at grade, three storeys of “micro-offices” and public parking above, and five live-work townhouses along Richards Street; and two residential towers above the 4-storey streetwall podia at 30 storeys with 163 dwelling units on the Seymour Street part of the site and 34 storeys with 193 units on the Richards Street part of the site.

By-law enacted on November 1, 2005– [By-law No. 9173](#)

Public Hearing – May 16, 2006 – Item 4 – [Agenda](#)

Summary – Text amendment to add a provision regarding floor space exclusions.

By-law enacted on June 13, 2006 – [By-law No. 9311](#)

Public Hearing – January 23, 2020 – Item 1 – [Agenda](#)

Summary – Amend CD-1 (442), By-law No. 9173, to increase the maximum permitted floor area by 50.2 m² to allow for the addition of mezzanines in a ground-floor retail unit.

By-law enacted on September 15, 2020– [By-law No. 12764](#)