



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

**Planning, Urban Design and Sustainability Department**

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## CD-1 (495)

*3333 Main Street*

*By-law No. 10134*

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

***Effective September 21, 2010***

*(Amended up to and including By-law No. 12084, dated May 1, 2018)*

## 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-621 (c) 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 (495).

**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 within CD-1 (495) 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 Fitness Centre, Library, Museum or Archives, Arcade, Artist Studio, Billiard Hall, Club, Community Centre or Neighbourhood House or Hall;
- (b) Dwelling Uses, limited to:
  - (i) Dwelling units in conjunction with any of the uses listed in this By-law except that 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,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit in conjunction with any of the uses listed in this By-law, except that 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, and
  - (iii) Residential Unit associated with and forming an integral part of an Artist Studio, subject to section 11.19 of the Zoning and Development By-law;
- (c) Institutional Uses, limited to Child Day Care Facility, Church, Hospital, Public Authority Use, School - Elementary or Secondary, School - University or College, Social Service Centre, Community Care Facility – Class B or Group Residence;
- (d) Manufacturing Uses, limited to Jewellery Manufacturing, Printing and Publishing;
- (e) Office Uses;
- (f) Retail Uses, limited to Adult Retail Store, Furniture or Appliance Store, Liquor Store, Pawnshop, Secondhand Store, Grocery or Drug Store, Grocery Store with Liquor Store, Retail Store, Small - scale Pharmacy; [12084; 18 05 01]
- (g) Service Uses, limited to Animal Clinic, Auction Hall, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Drive through Service, Hotel, Neighbourhood Public House, Photofinishing or Photography Laboratory, Print Shop, Repair Shop - Class A, Repair Shop - Class B, Restaurant - Class 1, Restaurant - Class 2, Restaurant - Drive-in, School - Arts or Self - Improvement, School - Business, School - Vocational or Trade, Wedding Chapel;
- (h) Utility and Communication Uses, limited to Public Utility or Radiocommunication Station; and
- (i) Accessory Use customarily ancillary to any use permitted by this section 2.2.

## 3 Floor area and density

**3.1** Computation of floor space ratio must assume that the site consists of 3 881 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

**Note:** Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 10134 or provides an explanatory note.

- 3.2** The floor space ratio for all uses, combined, must not exceed 2.54, except that:
- (a) for dwelling uses in conjunction with other uses, up to 1.95 in storeys located above the front street level storey, and up to 0.11 in the front street level storey or below, and
  - (b) for the purpose of subsection (a), an artist studio shall be deemed to be a dwelling use.
- 3.3** Computation of floor space ratio must include all floors of all buildings, 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.
- 3.4** Computation of floor space ratio must exclude:
- (a) open patios or sun decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing;
  - (b) enclosed sunrooms and roof gardens if the Director of Planning first approves the design of sunrooms and walls, except that the total area of all enclosed sunroom and roof garden exemptions must not exceed 55 m<sup>2</sup>;
  - (c) 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 the total area of all enclosed balcony exclusions must not exceed 105 m<sup>2</sup>;
  - (d) open residential balconies, except that the total area of all open balcony exclusions must not exceed 570 m<sup>2</sup>;
  - (e) 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:
    - (i) are at or below the base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length, or
    - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
  - (f) amenity areas including child day care facilities, recreation facilities, and meeting rooms accessory to a residential use, to a maximum total area of 10 percent of the total permitted floor area, provided that for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
  - (g) 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> per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit;
  - (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 shall not apply to walls in existence prior to March 14, 2000; and
  - (i) with respect to exterior:
    - (i) wood frame construction walls greater than 152 mm thick that accommodate RSI 3.85 (R-22) insulation, or
    - (ii) walls other than wood frame construction greater than 152 mm thick that meet the standard RSI 2.67 (R-15),
 the area of such walls that exceeds 152 mm to a maximum exclusion of 51 mm of thickness for wood frame construction walls and 127 mm of thickness for other walls, except that this clause is not to apply to walls in existence before January 20, 2009. A registered professional must verify that any wall referred to in subsection (ii) meets the standards set out therein.
- 3.5** The use of floor space excluded under section 3.4 must not include any purpose other than that which justified the exclusion.

## 4 Height

**4.1** The building height, measured from base surface, must not exceed 18.6 m.

**4.2** Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as:
  - (i) elevator enclosures, lobbies, and stairwells that provide access for building occupants to rooftop common area,
  - (ii) guardrails that do not exceed the minimum height specified in the Building By-law, and
  - (iii) pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture,will not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and
- (b) the Director of Planning or Development Permit Board first considers:
  - (i) all applicable policies and guidelines adopted by Council,
  - (ii) the submission of any advisory group, property owner, or tenant, and
  - (iii) the effects on public and private views, shadowing, privacy, and open spaces,the Director of Planning or Development Permit Board may allow a greater height for any such structure.

## 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 unobstructed view is not less than 3.7 m;
- the Director of Planning or Development Permit Board may reduce the horizontal angle of daylight requirement.

**5.5** An obstruction referred to in section 5.2 means:

- (a) the theoretically equivalent buildings located on any adjoining sites in any R district in a corresponding position by rotating the plot plan of the proposed building 180 degrees about a horizontal axis located on the property lines of the site;
- (b) accessory buildings located on the same site as the principal building;
- (c) any part of the same building including permitted projections; or
- (d) the largest building permitted under the zoning on any site adjoining CD-1 (495).

**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) less than 10% of the total floor area of the dwelling unit, or
  - (ii) less than 9.3 m<sup>2</sup>.

6 Parking, loading, and bicycle parking

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 parking.

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 Force and effect

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

ENACTED by Council this 21<sup>st</sup> day of September, 2010.

