

BY-LAW NO. \_\_\_\_\_

By-law to amend CD-1 (435) By-law No. 9116

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council amends the indicated provisions of By-law No. 9116.
2. In Section 1, Council strikes out "Z-553" and substitutes "Z-716 (c)".
3. Council strikes out Sections 2 through 8 of By-law No. 9116 and substitutes:

"

**Uses**

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (435).

2.2 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 the 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) Cultural and Recreational Uses, limited to Artist Studio and Arts and Culture Indoor Event;
- (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
- (c) Office Uses, limited to General Office and Health Care Office;
- (d) Retail Uses, limited to Retail Store;
- (e) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, and Restaurant - Class 1; and
- (f) Accessory Use customarily ancillary to any use permitted by this section.

## Conditions of use

- 3.1 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".
- 3.2 All commercial uses must be carried on wholly within an enclosed building except for:
- (a) Restaurant;
  - (b) Retail Store; and
  - (c) Display of flowers, plants, fruits, and vegetables, in conjunction with a permitted use.

## Density

- 4.1 Computation of floor space ratio must assume that the site consists of 1,394 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.
- 4.2 The floor space ratio for all uses combined must not exceed 16.4, which must include the use of 128 m<sup>2</sup> of area located above grade that is limited to mechanical space.
- 4.3 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.
- 4.4 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 area above or below base surface, except that:
  - (i) if the residential storage area 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 area above base surface for that unit, and
  - (ii) the above grade storage area shall be no greater than 502 m<sup>2</sup>.

4.5 Computation of floor area may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) amenity areas, including day care facilities, recreation facilities, and meeting rooms, to a maximum permitted floor area of 929 m<sup>2</sup>; and
- (b) unenclosed outdoor areas underneath tower building overhangs, provided they are at grade level, except that they must remain unenclosed for the life of the building.

4.6 The use of floor area excluded under section 4.4 or 4.5 must not include any use other than that which justified the exclusion.

### **Building height**

5.1 The building height, measured above base surface, must not exceed 114.6 m, measured to the top of the roof deck of the uppermost habitable floor, except that the Director of Planning may permit a decorative roof and enclosure treatments that enhance the appearance of the building to extend up to 4.6 m above this height.

5.2 Despite the provisions of section 5.1 and section 10.11 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms, or for access and infrastructure required to maintain green roofs, urban agriculture, or roof-mounted energy technologies including solar panels and wind turbines, if the Director of Planning first considers:

- (a) their siting and sizing in relation to views, overlook, shadowing, and noise impacts; and
- (b) all applicable policies and guidelines adopted by Council;

and the Director of Planning must not permit any structure above a maximum height of 123.8 m.

## 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 (435).

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 m<sup>2</sup>.

## Acoustics

7. 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>
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Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45 "

4. Council strikes out the plan attached as Schedule A to By-law No. 9116 and substitutes the plan attached hereto as Schedule A, and marginally numbered "Z-716 (c)".

**Severability**

5. 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.

**Force and effect**

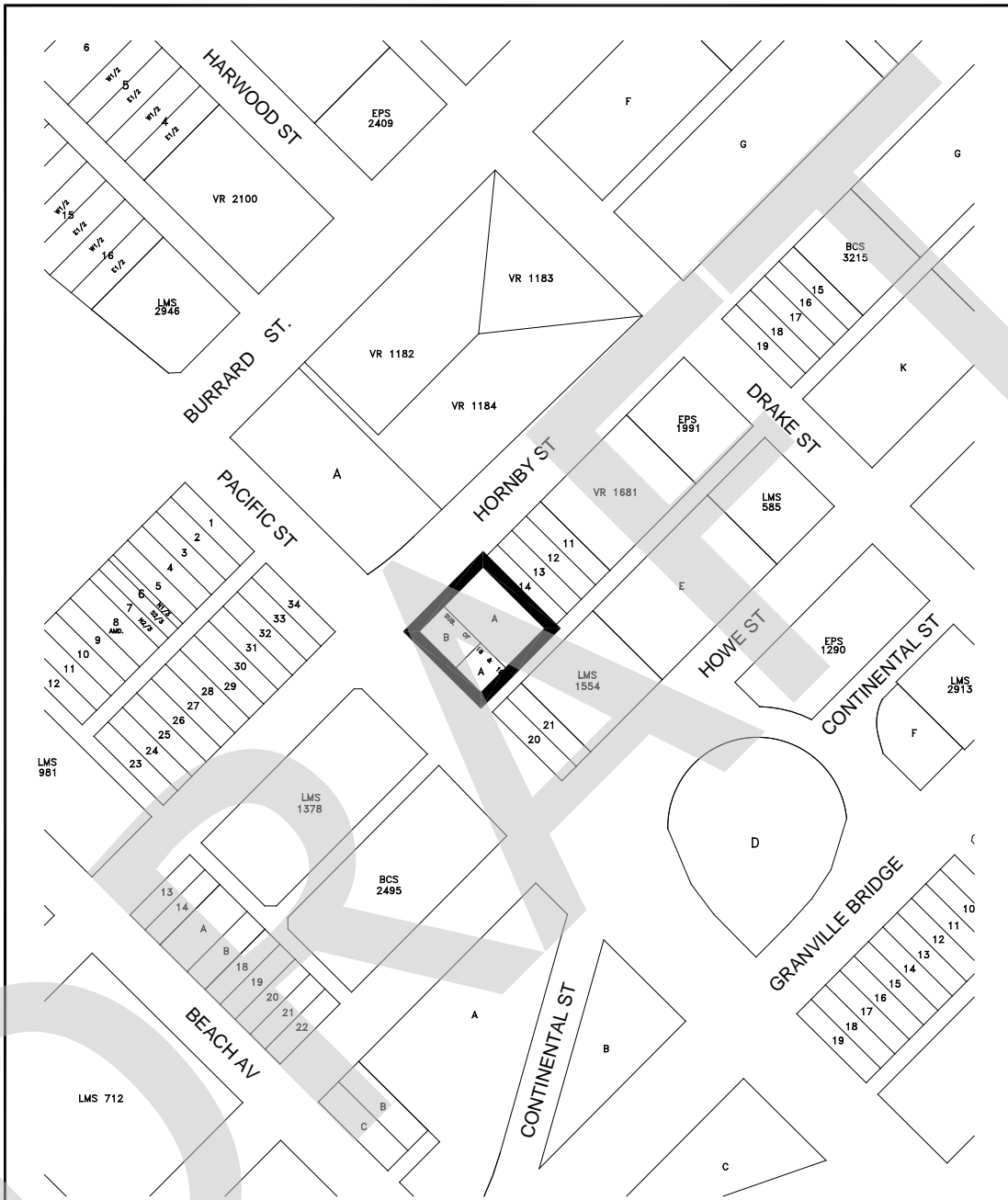
6. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**Schedule A**



The properties outlined in black ( **█** ) are rezoned:  
 From **CD-1 & DD** to **CD-1**

**Z-716 (c)**

**RZ- 1380-1382 Hornby Street**

map: 1 of 1  
 scale: NTS



**City of Vancouver**

date: 2016-10-25