

BY-LAW NO. _____

**A By-law to amend
Zoning and Development By-law No. 3575
to rezone an area to CD-1**

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

Zoning District Plan Amendment

1. 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-713 (b) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D, to By-law No. 3575.

Definitions

2. 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.

“Regular Individual Noise Event” means noise from a source which is typically emitted more than 10 times per night but less than 12 times per hour, and includes traffic noise including but not limited to SkyTrain passbys, rail traffic and delivery truck traffic.

Uses

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

3.1 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 (), 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 - Class A, Arts and Culture Indoor Event, Community Centre or Neighbourhood House, and library;
- (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;

- (c) Retail Uses, limited to Neighbourhood Grocery Store, Retail Store, Farmers' Market, Furniture or Appliance Store, Liquor Store, and Secondhand Store;
- (d) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Photofinishing or Photography Studio, Repair Shop - Class B, Animal Clinic, Neighbourhood Public House, Print Shop, Restaurant - Class 1, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade;
- (e) Office uses; and
- (f) Accessory uses customarily ancillary to the uses permitted in this Section 3.2.

Conditions of use

- 4.1 The design and layout of at least 65% 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".
- 4.2 Retail and service uses may only be located on ground level.
- 4.3 Frontage of all retail units must not exceed 15.3 m, except that the Director of Planning may relax the maximum frontage in any case where pedestrian interest is maintained.
- 4.4 Dwelling units and office uses may only be located on level 2 through level 29.

Floor area and density

- 5.1 Computation of floor space ratio must assume that the site consists of 1,285.3 m², being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.
- 5.2 The floor space ratio for all uses combined must not exceed 15.37.
- 5.3 The floor space ratio for Dwelling Uses must not exceed 15.01, except that 0.22 of the floor space ratio for Dwelling Uses shall be limited to open balcony space that:
 - (a) is in addition to open balcony space excluded by section 5.5 (a); and
 - (b) must not be enclosed for the life of the building.
- 5.4 Computation of floor area must include all floors of all buildings, 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.

5.5 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 per cent of the residential floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
- (b) patios and roof gardens, 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 that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area; and
- (e) 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.

5.6 The use of floor area excluded under section 5.5 must not include any use other than that which justified the exclusion.

Building height

6.1 The building height, measured from the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed the geodetic elevation of 189.5 m.

6.2 The Director of Planning may relax the maximum permitted height in the following circumstances:

- (a) the height relaxation is to accommodate the following items:
 - (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, and
- (iv) items similar to any of the above;
- (b) the Director of Planning first considers:
 - (i) the location, sizing and material of the building in relation to views, overlook, shadowing, and noise impacts, and
 - (ii) all applicable policies and guidelines adopted by Council; and
- (c) the building height must not exceed the geodetic elevation of 193.1 m.

Horizontal angle of daylight

7.1 Each habitable room must have at least one window on an exterior wall of a building.

7.2 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.

7.3 Measurement of the plane or planes referred to in section 7.2 must be horizontally from the centre of the bottom of each window.

7.4 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.

7.5 An obstruction referred to in section 7.2 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 ().

7.6 A habitable room referred to in section 7.1 does not include:

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

Acoustics

8.1 A development permit application for dwelling uses must include an acoustical report prepared by a licensed professional acoustical engineer demonstrating that the noise levels in those portions of the dwelling units listed below will not exceed the noise levels expressed in decibels set opposite such portions of the dwelling units. For the purposes of this section the noise level is the A-weighted 24-hour equivalent (Leq24) sound level and will be defined simply as noise level in decibels.

Portion of Dwelling Unit	Noise Level (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

8.2 Because the site is exposed to Regular Individual Noise Events, the report referred to in Section 8.1 must also demonstrate that the representative A-weighted, fast time constant, maximum sound level (LFmax) from such events occurring between 10 o'clock in the evening (2200 hours) and 7 o'clock in the morning (0700 hours) does not exceed 45 decibels inside bedrooms.

Severability

9. 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

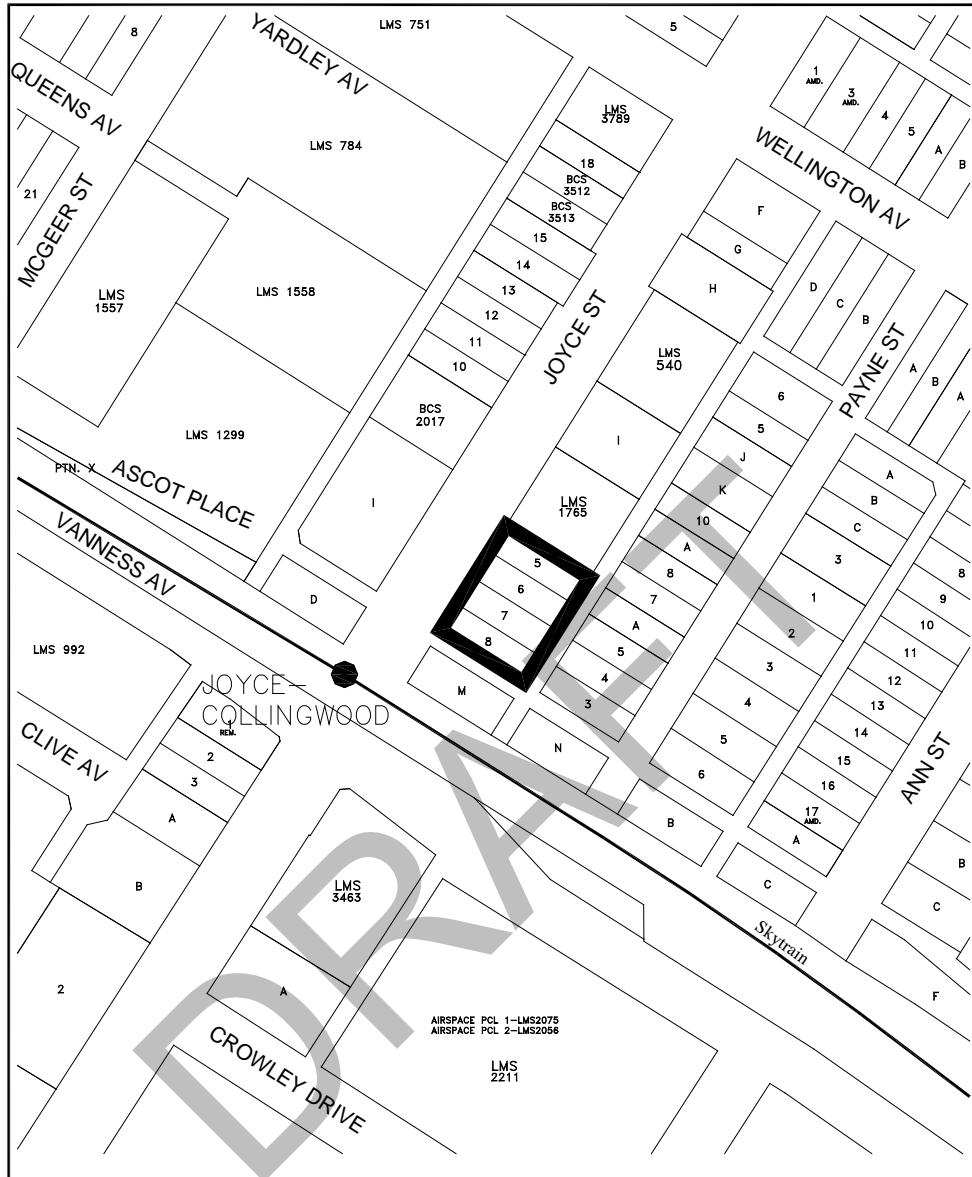
10. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2016

Mayor

City Clerk

Schedule A



The properties outlined in black (**█**) are rezoned:
 From **C-2C** to **CD-1**

Z-713 (b)

RZ - 5050-5080 Joyce Street

map: 1 of 1

scale: NTS



City of Vancouver

date: 2016-11-14