

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 attached as Schedule A to this by-law, and incorporates Schedule A into Schedule D of By-law No. 3575.

Designation of CD-1 District

2. The area shown within the heavy black outline on Schedule A is hereby designated CD-1 ().

Definitions

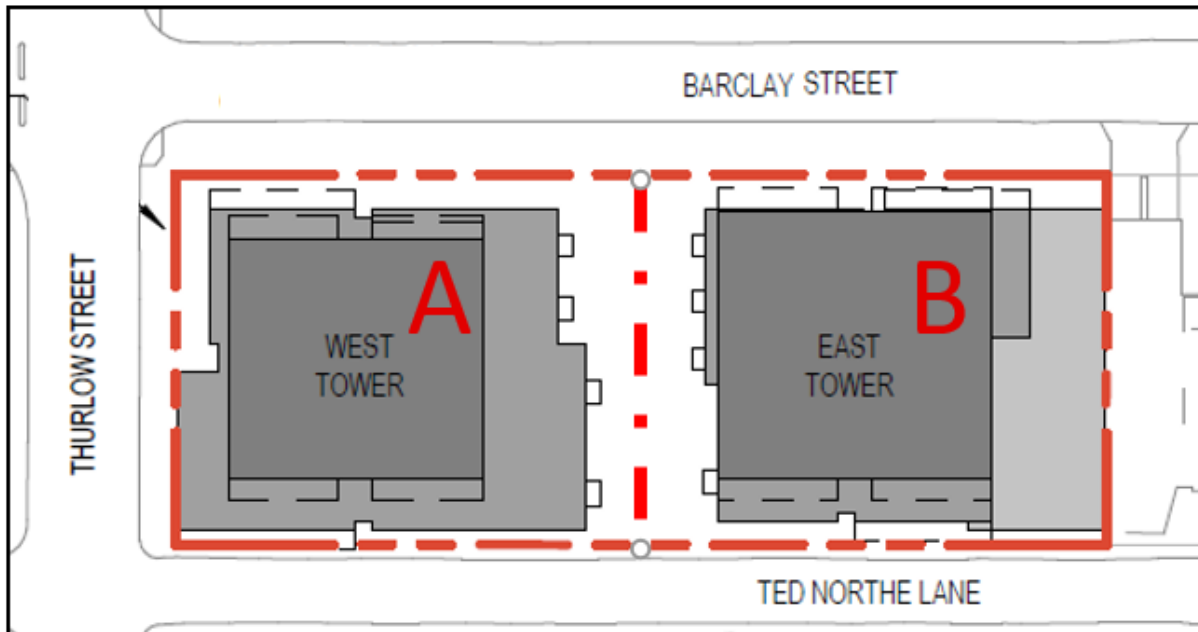
3. Words in this by-law have the meaning given to them in the Zoning and Development By-law, except that:

- (a) for the purposes of calculating the total dwelling unit area for section 6.3 of this by-law, "Dwelling Unit Area" is the floor area of each dwelling unit, measured to the inside of all perimeter walls, excluding any floor area as required by section 7.5 of this by-law; and
- (b) "Below-market Rental Housing Units" means dwelling units where the rents are set, at the commencement of each new tenancy, at rates that do not exceed either 20% or 50% below the Canada Mortgage Housing Corporation (CMHC) average rents for Zone 3 (Downtown), all as secured by a housing agreement registered on title to the property.

Sub-areas

4. The site is to consist of 2 sub-areas generally as illustrated in Figure 1, for the purpose of establishing the conditions of use, the site area and the maximum permitted density for each sub-area.

Figure 1: Sub-areas



Uses

5. 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 this CD-1 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Agricultural Uses, limited to Urban Farm Class B;
- (b) Cultural and Recreational Uses;
- (c) Dwelling Uses, limited to Mixed-use Residential;
- (d) Institutional Uses;
- (e) Live-Work Use;
- (f) Office Uses;
- (g) Retail Uses;
- (h) Service Uses;
- (i) Utility and Communication Uses; and
- (j) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 6.1 In sub-area A, a minimum of:
- (a) 23% of the total residential floor area must be used for social housing; and
 - (b) 429 m² of the total floor area must be used for Child Day Care Facility use, secured to the City's satisfaction.
- 6.2 In sub-area B, all residential floor area must be used for rental housing.
- 6.3 In sub-area B, a minimum of 20% of the total dwelling unit area must be below-market rental housing units.
- 6.4 The design and layout of at least 35% of the total number of below-market rental units and at least 35% of the total number of market rental dwelling units must:
- (a) be suitable for family housing; and
 - (b) include 2 or more bedrooms.
- 6.5 The design and layout of at least 50% of the total number of social housing dwelling units must:
- (a) be suitable for family housing; and
 - (b) include 2 or more bedrooms.
- 6.6 The design and layout of at least 35% of the total number of strata dwelling units must:
- (a) be suitable for family housing; and
 - (b) include 2 or more bedrooms, of which:
 - (i) at least 25% of the total dwelling units must be 2-bedroom units, and
 - (ii) at least 10% of the total dwelling units must be 3-bedroom units.
- 6.7 All commercial uses and accessory uses must be carried on wholly within a completely enclosed building, other than the following:
- (a) display of flowers, plants, fruits and vegetables in combination with a permitted use;
 - (b) farmers' market;
 - (c) neighbourhood public house;
 - (d) public bike share; and
 - (e) restaurant;

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this by-law.

Floor Area and Density

7.1 Computation of floor area must assume that the site area for sub-area A is 2,049.3 m² and sub-area B is 1,970.8 m², being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.

7.2 In sub-area A, the floor space ratio for all uses combined is 20.7.

7.3 In sub-area B, the floor space ratio for all uses combined is 25.0.

7.4 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.

7.5 Computation of floor area and dwelling unit area must exclude:

- (a) open and enclosed balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that:
 - (i) the total area of these exclusions must not exceed 12% of the permitted residential floor area for each sub-area, and
 - (ii) no more than 50% of the excluded residential balcony floor area may be enclosed, and
 - (iii) non-residential balconies must not be enclosed for the life of the building.
- (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
- (c) floors or portions thereof that are used for:
 - (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,
 - (ii) bicycle storage, and
 - (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;
- (d) entries, porches and verandahs if the Director of Planning first approves the design;
- (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be

no exclusion for any of the residential storage area above base surface for that unit;

- (f) all storage area below base surface for non-dwelling uses; and
- (g) shared laundry areas for social housing.

7.6 The Director of Planning or Development Permit Board may exclude from the computation of floor area:

- (a) common amenity areas, to a maximum of 10% of the total permitted floor area; and
- (b) additional floor area as required to meet licensing requirements for the Child Day Care Facility;

if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.

7.7 In sub-area B, where floor area associated with residential storage area is excluded, a minimum of 20% of excluded floor area above base surface must be located within the below-market rental housing units as storage area.

Building Height

8.1 Building heights must not exceed 167.6 m.

8.2 Despite section 8.1 of this by-law and building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits mechanical appurtenances including mechanical screens and elevator overrun, or rooftop access structures, the height of the portions of the building with the permitted appurtenances must not exceed 177.4 m.

Horizontal Angle of Daylight

9.1 Each habitable room must have at least 1 window on an exterior wall of a building.

9.2 For the purposes of section 9.1 above, habitable room means any room except a bathroom or a kitchen.

9.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.

9.4 The plane or planes referred to in section 9.3 above must be measured horizontally from the centre of the bottom of each window.

9.5 An obstruction referred to in section 9.3 above means:

- (a) any part of the same building excluding permitted projections; or
- (b) the largest building permitted on any adjoining site.

9.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines and the minimum distance of unobstructed view is at least 3.7 m.

Severability

10. 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

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

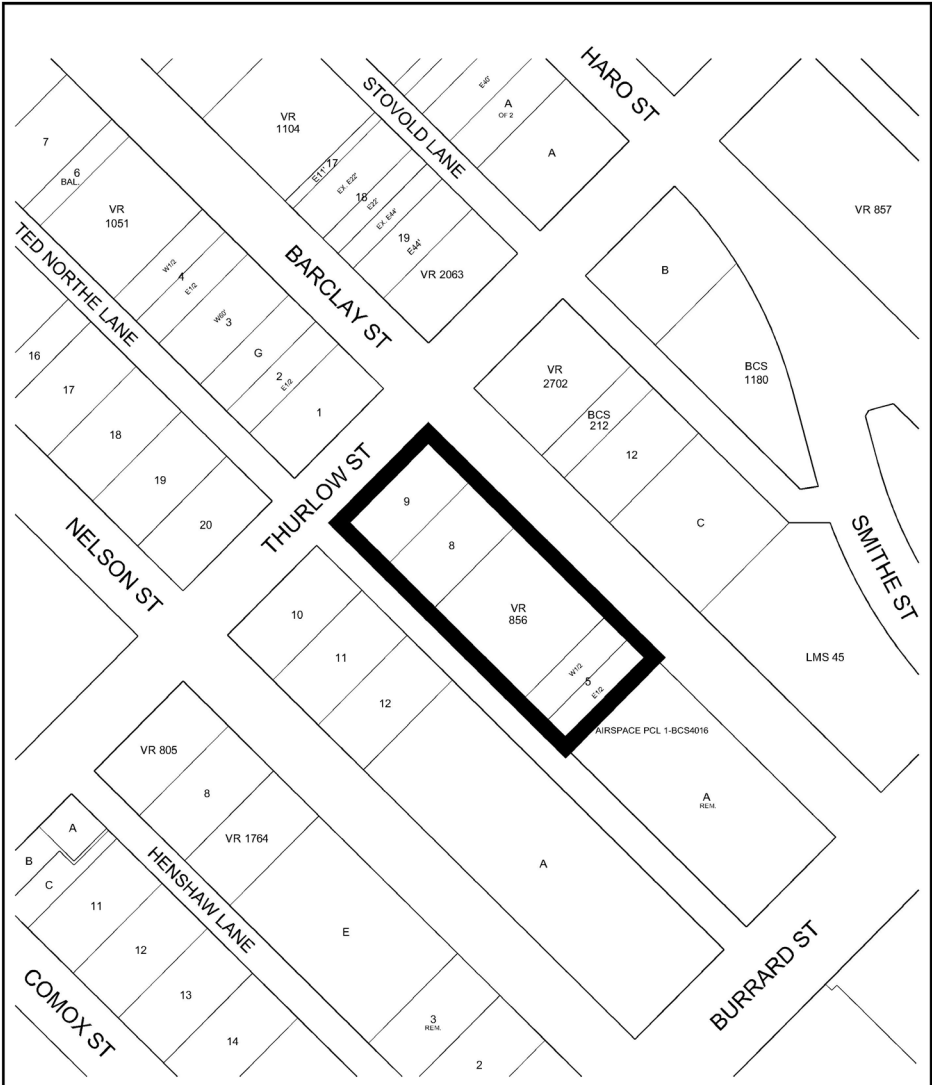
ENACTED by Council this day of , 2023

Mayor

City Clerk

DRAFT

Schedule A



The properties outlined in black () are rezoned:
 From **RM-5C** to **CD-1**

RZ- 1040-1080 Barclay Street	map: 1 of 1	↑
	scale: NTS	
City of Vancouver	ph date: 2023-05-11	