

611 Main Street

BY-LAW NO. 10737

**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-654 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (547).

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 this By-law or in a development permit, the only uses permitted within CD-1 (547) 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, Club, Community Centre or Neighbourhood House, Fitness Centre, Library, Museum or Archives, and Theatre;
- (b) Dwelling Uses, in conjunction with any of the uses listed in this section 2.2;
- (c) Institutional Uses, limited to Church, Public Authority Use, and School - University or College;
- (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Clothing Manufacturing, Furniture or Fixtures Manufacturing, Jewellery Manufacturing, Leather Products Manufacturing, Non-metallic Mineral Products Manufacturing - Class A, Non-metallic Mineral Products Manufacturing - Class B, Plastic Products Manufacturing, Printing or Publishing, Shoes or Boots Manufacturing, and Textiles or Knit Goods Manufacturing;
- (e) Office Uses;

- (f) Retail Uses, limited to Farmers' Market , Furniture or Appliance Store, Grocery or Drug Store, Public Bike Share, Retail Store, Secondhand Store, and Small-scale Pharmacy;
- (g) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Laboratory, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop-Class A, Repair Shop-Class B, Restaurant, School - Arts or Self-Improvement, School - Business, and School - Vocational or Trade;
- (h) Wholesales Uses, limited to Wholesaling - Class A and Wholesaling - Class B; and
- (i) Accessory Uses customarily ancillary to any permitted use , except that, unless the accessory use is permitted as an outright approval use in this section 2.2:
 - (i) the total floor area of all accessory uses must not exceed 25% of the gross floor area of the principle use, and
 - (ii) all accessory uses must be wholly contained within the principal building.

Conditions of Use

3.1 Permitted uses must be wholly contained within a totally enclosed building, except for:

- (a) display of flowers, plants, fruits, and vegetables;
- (b) restaurant;
- (c) neighbourhood public house;
- (d) farmers' market; and
- (e) Public Bike Share.

3.2 Notwithstanding section 3.1, if the Director of Planning first considers all applicable Council policies and guidelines, the Director of Planning may permit the outdoor display of retail goods, subject to such conditions as the Director of Planning deems necessary, having regard to:

- (a) the type of merchandise;
- (b) the size of the display;
- (c) the location of the display;
- (d) the hours of operation of the display; and
- (e) the impact of the display on adjoining sites.

3.3 Permitted uses must not include bulk storage of vegetable oil or fat, fish, fish oil or meal, scrap, junk, chemicals, paints, varnishes, rags, cotton waste, petroleum, bitumen or tar products or derivatives, or similar flammable products or materials.

3.4 Dwelling units are in an “intermediate zone”, as defined in the Noise Control By-law and as such, are subject to the noise levels permitted in industrial and downtown districts.

3.5 The floor area of each dwelling unit, measured from the inside of all outer walls, must be at least 37 m², except that the Director of Planning may permit a dwelling unit with a floor area of no less than 29.7 m² in the second, third, fourth, fifth, sixth and seventh storeys of the building.

3.6 Neighbourhood Public House use is subject to compatibility with surrounding uses, number of existing neighbourhood public houses, hours of operation, social and policing impacts, and noise control.

Height

4.1 The building height, measured above base surface, must not exceed 45.7 m, except that the building must not protrude into Council approved view corridors, as set out in the City of Vancouver View Protection Guidelines.

4.2 Notwithstanding section 4.1 of this By-law, the Director of Planning may permit an increase in building height of no more than 5%, if the Director of Planning first considers all applicable Council policies and guidelines.

Floor Area

5.1 The floor area for all uses must not exceed 12 165 m², except that the maximum floor area for dwelling uses must not exceed 10 925 m².

5.2 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.

5.3 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 the total area of all such exclusions must not exceed 8% of residential floor area;
- (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 base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length; and

- (d) all residential storage space at, 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.

5.4 Computation of floor area may exclude:

- (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 closed sundeck and balcony exclusions must not exceed 8% of residential floor area, and
 - (ii) no more than 50% of the excluded balcony floor area may be enclosed;
- (b) amenity areas, except that the total exclusion must not exceed the lesser of 20% of the permitted floor area or 929 m²; and
- (c) unenclosed green or landscaped outdoor areas recessed into or projecting from the exterior envelope of the building, which, in the opinion of the Director of Planning or Development Permit Board, are similar to an open balcony or sundeck and contribute to the amenity or energy performance of the building, except that the total exclusion must not exceed 2% of total floor area.

5.5 The use of floor area excluded under section 5.3 or 5.4 must not include any purpose other than that which justified the exclusion.

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 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 (547).

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 m².

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.

Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

Severability

8. 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.

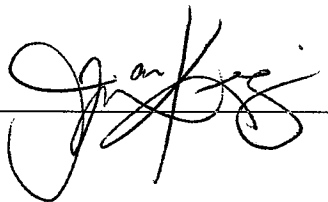
Force and Effect

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

ENACTED by Council this 25th day of June , 2013



Mayor



City Clerk

Schedule A



The properties outlined in black () are rezoned:
 From **HA-1A** to **CD-1**

Z-654 (a)

RZ - 611 Main Street	map: 1 of 1	
City of Vancouver	scale: NTS	
date: 2013-02-05		