

1041 Southwest Marine Drive  
and 8866 Osler Street

**BY-LAW NO. 11021**

**A By-law to amend CD-1 By-law No. 6876**

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

1. This By-law amends the indicated provisions of By-law No. 6876.
2. In section 1, Council strikes out “Z-377 (b)” and substitutes “Z-649 (a)”.
3. Council strikes out Schedule A, and replaces it with Schedule A as follows:



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

**Z-649 (a)**

RZ - 1041 SW Marine Drive & 8866 Osler Street

map: 1 of 1  
 scale: NTS



City of Vancouver

date: 2012-10-02

4. Council strikes out section 2, and substitutes:

**“2 Uses**

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (276).

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 (276) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Units in conjunction with any use listed in this section;
- (b) Service Uses;
- (c) Retail Uses; and
- (d) Accessory Uses customarily ancillary to the uses permitted by this section.”

5. Council strikes out section 3, and substitutes:

**“3 Density**

3.1 The floor area for all uses must not exceed 12 728 m<sup>2</sup>.

3.2 Computation of floor area must include:

- (a) all floors, including earthen floors, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

3.3 Computation of floor area must exclude:

- (a) open residential balconies, sundecks, porches 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, 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;

- (d) areas of undeveloped floors which are located:
  - (i) above the highest storey or half-storey, and to which there is no permanent means of access other than a hatch, or
  - (ii) adjacent to a storey or half-storey with a ceiling height of less than 1.2 m;
- (e) all residential storage space at, above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) floors located at or below finished grade with a ceiling height of less than 1.2 m; and
- (g) amenity areas, including recreational facilities and meeting rooms, except that the excluded area must not exceed 10% of the total floor space ratio.

3.4 The use of floor area excluded under section 3.3 must not include any purpose other than that which justified the exclusion.”

6. Council strikes out sections 4, 5, and 6 and substitutes:

**“4 Height**

Building height must not exceed 22.7 m.

**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 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.

5.5 An obstruction referred to in section 5.2 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 (276).

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

## 6 Acoustics

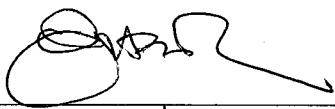
All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of dwelling units listed below do not exceed the noise level set 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.

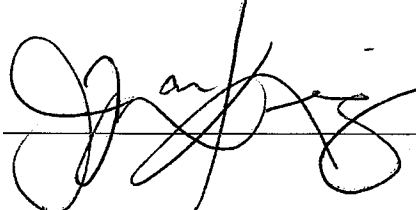
Portions of dwelling units	Noise levels (Decibels)
Bedrooms	35
Living, dining, recreation rooms	40
Kitchen, bathrooms, hallways	45

7. 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.

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

ENACTED by Council this 22<sup>nd</sup> day of July, 2014

  
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Mayor

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