

5055 Joyce Street

## **BY-LAW NO. 12940**

### **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-779 (c) 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 description of the area shown within the heavy black outline on Schedule A is hereby designated CD-1 (768).

#### **Uses**

3. 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 within CD-1 (768), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
- (b) Cultural and Recreational Uses, limited to Arcade, Artist Studio – Class A, Arts and Culture Indoor Event, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, and Theatre;
- (c) Institutional Uses, limited to Child Day Care Facility, Church, and Social Service Centre;
- (d) Office Uses;
- (e) Retail Uses, limited to Farmers' Market, Furniture or Appliance Store, Grocery or Drug Store, Grocery Store with Liquor Store, Liquor Store, Public Bike Share, Retail Store, and Secondhand Store;
- (f) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography

Laboratory, Photofinishing or Photography Studio, Print Shop, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, and School – Vocational or Trade; and

- (g) Accessory Uses customarily ancillary to any use permitted by this section.

### **Conditions of Use**

4.1 The design and layout of at least 35% of the market rental 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 The design and layout of at least 35% of the below-market rental 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".

4.3 All commercial uses must be carried on wholly within an enclosed building except for:

- (a) Farmers' Market;
- (b) Neighbourhood Public House;
- (c) Public Bike Share;
- (d) Retail Store;
- (e) Restaurant; and
- (f) display of flowers, plants, fruits, and vegetables, in conjunction with a permitted use.

### **Floor Area and Density**

5.1 Computation of floor space ratio must assume that the site consists of 1,486.2 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.

5.2 The floor space ratio for all uses combined must not exceed 16.1.

5.3 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.

5.4 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 permitted floor area for dwelling units; 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 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.

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

- (a) residential amenity areas, except that the exclusion must not exceed, in aggregate, the lesser of 10% of the total permitted floor area or 929 m<sup>2</sup>; and
- (b) unenclosed outdoor areas at grade underneath tower building overhangs, except that they must remain unenclosed for the life of the building.

5.6 The use of floor area excluded under sections 5.4 and 5.5 must not include any use other than that which justified the exclusion.

### **Building height**

6.1 The building height, measured to top of the roof slab above the uppermost habitable floor, must not exceed 96.4 m.

6.2 Despite section 6.1 and section 10.18 of the Zoning and Development By-law, additional height may be permitted to accommodate the following items on the roof:

- (a) mechanical appurtenances such as elevator machine rooms;

- (b) common indoor amenity space, access and infrastructure required to maintain green roofs or urban agriculture, roof-mounted energy technologies including solar panels and wind turbines;
- (c) 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
- (d) items similar to any of the above,

provided the Director of Planning first approves the design and location of these items and that in no case the maximum permitted height may exceed 103.0 m, except that for an elevator overrun the maximum permitted height may not exceed 109.5 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 the 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 (768).

7.6 A habitable room referred to in section 7.1 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**

8. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustic engineer demonstrating that the noise levels in those portions of 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.

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

**Zoning and Development By-law**

9. Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 (768).

**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.

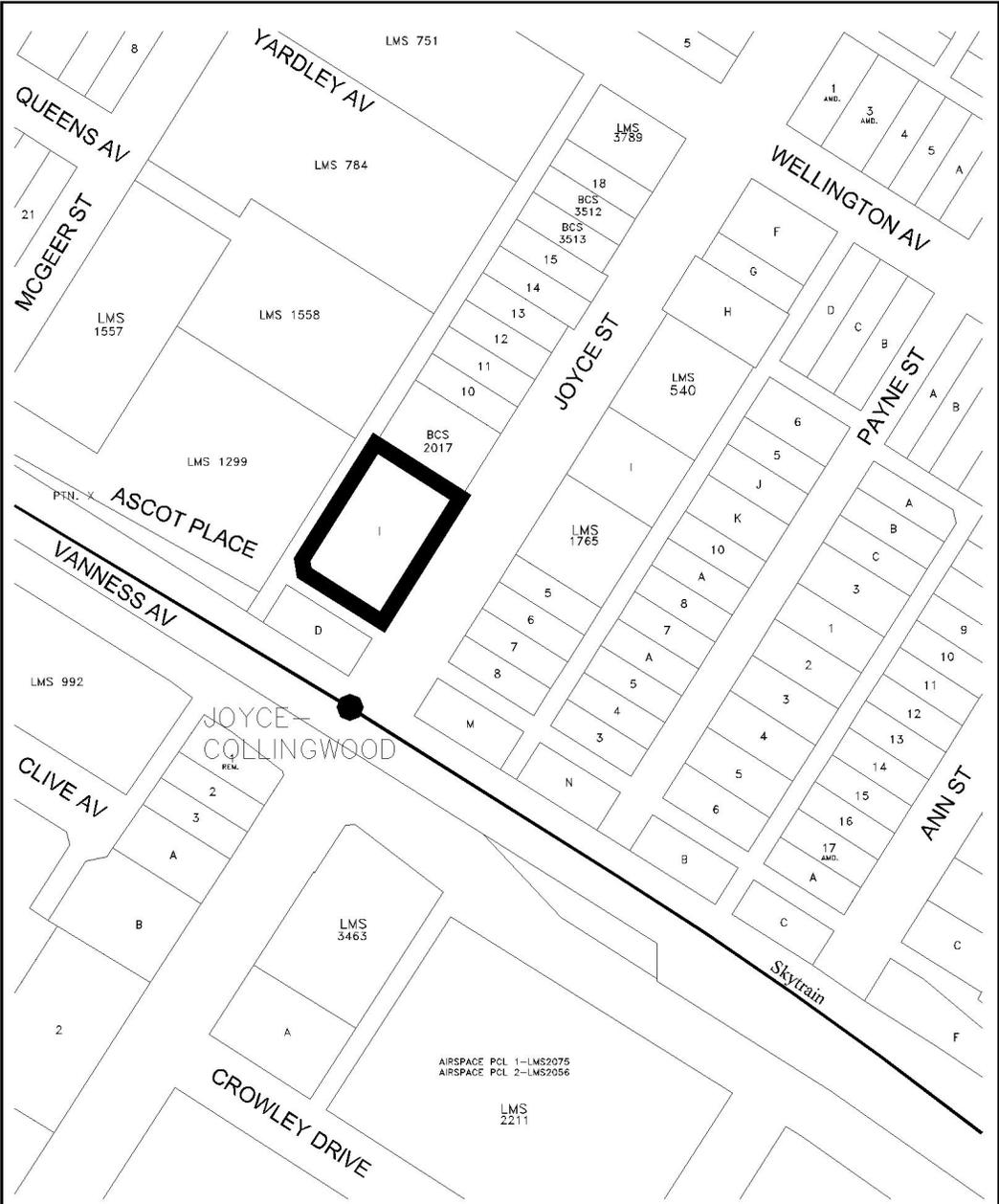
**Force and effect**

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

ENACTED by Council this 30<sup>th</sup> day of March, 2021

Signed \_\_\_\_\_ “Kennedy Stewart”  
Mayor

Signed \_\_\_\_\_ “Katrina Leckovic”  
City Clerk



The property outlined in black (  ) is rezoned:  
 From **C-2C** to **CD-1**

**Z-779 (c)**

RZ- 5055 Joyce Street	map: 1 of 1	
	scale: NTS	
<b>City of Vancouver</b>	date: 2020-09-16	