

CD-1 (531)

105-167 West 2nd Avenue

By-law No. 10482

Being a By-law to Amend Zoning and Development By-law No. 3575

Effective May 15, 2012

Amended up to and including:

By-law No. 12084, dated May 1, 2018

By-law No. 12402, dated April 2, 2019

By-law No. 13964, dated April 9, 2024

Consolidated for Convenience Only

Note: Information included in square brackets [] identifies the by-law numbers and dates for the amendments to this CD-1 By-law or provides an explanatory note.

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-637 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

Definitions

2. In this By-law:

“Entry Alcoves” mean covered exterior spaces enclosed with vertical walls on three sides and adjacent to an entryway.

Uses

- 3.1 The description of the area shown within the heavy black outline on Schedule A is CD 1 (531).
- 3.2 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 (531) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Multiple Dwelling, Seniors Supportive or Assisted Housing;
 - (b) Cultural and Recreational Uses;
 - (c) Institutional Uses;
 - (d) Live-Work Use;
 - (e) Manufacturing Uses;
 - (f) Office Uses;
 - (g) Parking Uses;
 - (h) Retail Uses;
 - (i) Service Uses;
 - (j) Accessory Uses customarily ancillary to the uses listed in this section 3.2.
[13964; 2024 04 09]

Conditions of Use

- 4.1 Dwelling units are in an “intermediate zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.
- 4.2 The design and layout of at least 25% 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”.
- 4.3 All uses except dwelling uses and institutional uses must have direct access to grade.
- 4.4 Any development permit issued for live-work uses must stipulate as permitted uses:
 - (a) dwelling units;
 - (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – Class A; and
 - (c) dwelling unit combined with any uses set out in subsection (b).

Density

- 5.1 Floor area for all permitted uses must not exceed 36 754 m², except that the combined floor area for cultural and recreational uses, and institutional uses, must not exceed 3 893.2 m². [12402; 2019 04 02]
- 5.2 Computation of floor space ratio must include:
 - (a) All floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building;
 - (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; and
 - (c) in the case of dwelling uses and live-work use, if the distance from a floor to the floor above or, in the absence of a floor above, to the top of the roof rafters or deck exceeds 4.3 m, an additional amount equal to the area of the floor area below the excess height, except for additional amounts that represent undeveloped floor areas beneath roof elements, which the Director of Planning considers to be for decorative purposes and to which there is no means of access other than a hatch, residential lobbies, and mechanical penthouses.
- 5.3 Computation of floor space ratio must exclude:
 - (a) open residential balconies or sun decks, entry alcoves 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 exclusions must not exceed 8% of the residential floor area being provided;

- (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 that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (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.
- (f) amenity areas including recreation facilities, and meeting rooms, except that the total area excluded must not exceed 1 000 m²; and
- (g) floor area of child day care facilities.

5.4 Computation of space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) enclosed residential balconies, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure, except that:
 - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any overhangs, and
 - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (b) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
- (c) unenclosed outdoor areas at grade level, underneath building overhangs, if:
 - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any overhangs, and

- (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;

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

Building Height

6.1 The building height, measured above base surface and to the top of the roof slab above the uppermost habitable floor, excluding parapet wall, must not exceed 46.0 m.

6.2 Section 10.11 of the Zoning and Development By-law is to apply, except that despite section 10.11 and section 6.1 of this By-law, the Director of Planning or Development Permit Board, as the case may be, may permit a greater height than otherwise permitted for structures, which support the use of intensive green roofs or urban agriculture, such as elevator and stair enclosures, amenity areas, tool sheds, trellises, and other garden structures.

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 (531).

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) less than 9.3 m².

Parking, loading, and bicycle spaces

8. Any development or use of the site requires the provision and maintenance of off-street parking spaces, loading spaces, and bicycle spaces, in accordance with the Parking By-law.

Acoustics

9. 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

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 15th day of May, 2012.



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

Z-637 (a)

RZ - 105-167 W 2nd Avenue	map: 1 of 1	
	scale: NTS	
City of Vancouver	date: 2011-06-24	

Public Hearing – July 26, 2011 – Item 2 – [Agenda](#)

Summary – To rezone from M-2 (Industrial) District to CD-1 (Comprehensive Development) District to permit the development of three residential towers on a six-storey podium that includes retail uses at grade and a daycare. Tower heights proposed are 15 storeys (43.2 m) and 16 storeys (46.0 m). Rezoning is required to permit residential uses, increased height and the proposed density of 5.26 FSR. The site is in the Southeast False Creek Official Development Plan area.

By-law enacted on May 15, 2012 – [By-law No. 10482](#) (Zoning and Development)

By-laws enacted on May 29, 2012 – [By-law No. 10483](#) (Noise), [By-law No. 10484](#) (Sign)

Public Hearing – April 17, 2018 – Item 5 – [Agenda](#)

Summary – To amend the Zoning and Development By-law to enable liquor retail stores in grocery stores. A new definition for Grocery Store with Liquor Store and amended definitions for Liquor Store and Neighbourhood Grocery Store are proposed for consistency with the definitions used in Provincial regulation.

By-law enacted on May 1, 2018 – By-law No. [12084](#)

Public Hearing – March 12, 2019 – Item 3 – [Agenda](#)

Summary – To amend the text of CD-1 (531) (Comprehensive Development) District at 103-127 West 2nd Avenue and 1753-1791 Manitoba Street, and 165-195 West 2nd Avenue and 1778 Columbia Street, to add 'Fitness Centre' and 'Animal Clinic' as allowable uses.

By-law enacted on May 1, 2018 – By-law No. [12402](#)

Public Hearing – April 9, 2024 – Item 1 – [Agenda](#)

Summary – To make miscellaneous amendments to by-laws for the following: CD-1 (531) for 105-167 West 2nd Avenue and CD-1 (522) for 104-150 East 1st Avenue to improve clarity, update references, correct inadvertent errors or omissions, and/or improve the administration of the by-laws.

By-law enacted on May 1, 2018 – By-law No. [13964](#)