

# **CD-1 (566)**

## East Fraser Lands Town Square Precinct

### [By-law No. 10941](#)

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

Effective May 13, 2014

*Amended up to and including:*

[By-law No. 11617](#), dated September 20, 2016

[By-law No. 12294](#), dated October 30, 2018

[By-law No. 12915](#), dated March 9, 2021

**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.

## **CD-1 Plans and Zoning District Plan Amendments**

- 1.1 Council removes from the lands that are subject to CD-1 By-law No. 9732 and CD-1 By-law No. 9733 those portions of the lands shown on the plan marginally numbered Z-619(b)(i) attached as Schedule A to this By-law, and deems such lands to form part of Schedule D to By-law No. 3575, as it did before enactment of CD-1 By-law No. 9732 and CD-1 By-law No. 9733, pending its inclusion in this CD-1 By-law under section 1.2.
- 1.2 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-619(b)(ii) 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:

“CD-1 (566)” means that area of land shown within the heavy black outline on Schedule A;

“Community Energy Centre Use” means the use of premises as an energy supply facility that provides heat energy in the form of hot water to buildings through a distribution system; [12915; 2021 03 09]

“principal dwelling unit combined with a secondary dwelling unit” means a dwelling unit, other than a seniors supportive or assisted housing unit or a live-work unit, within a multiple dwelling, whether or not the multiple dwelling use is part of a mixed use building, which is a principal residence, combined with one secondary dwelling unit which is smaller than the principal residence, and in respect of which the principal residence and secondary dwelling unit may have either shared or separate external access but must have shared internal access which the owner or occupant of the principal residence is able to lock off from the principal residence;

“secondary dwelling unit” means a secondary dwelling unit referred to in the definition of “principal dwelling unit combined with a secondary dwelling unit”;

“sub-area 1” means that area of CD-1 (566) illustrated on the plan marginally numbered Z-619(b)(ii) attached as Schedule A to this By-law;

“sub-area 2” means that area of CD-1 (566) illustrated on the plan marginally numbered Z-619(b)(ii) attached as Schedule A to this By-law; and

“sub-area 3” means that area of CD-1 (566) illustrated on the plan marginally numbered Z-619(b)(ii) attached as Schedule A to this By-law.

## **Uses**

- 3.1 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 (566) and the only uses for which

the Director of Planning or Development Permit Board will issue development permits are those uses which this Section 3 lists.

3.2 Uses permissible in CD-1 (566) are:

- (a) Dwelling Uses, limited to;
  - (i) Multiple Dwelling,
  - (ii) Principal Dwelling Unit combined with a Secondary Dwelling Unit,
  - (iii) Seniors Supportive or Assisted Housing, and
  - (iv) Dwelling Units in conjunction with any use permissible in the sub-area in which the Dwelling Units are situate;
- (b) Community Energy Centre Use; [12915; 2021 03 09]
- (c) Cultural and Recreational Uses, limited to Park or Playground;
- (d) Accessory Uses customarily ancillary to the uses listed in this section 3.2; and
- (e) Interim Uses not listed in sections 3.2, 3.3, 3.4, or 3.5, and accessory uses customarily ancillary to them, if:
  - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
  - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
  - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (566),
  - (iv) the Director of Planning or Development Permit Board approves the location of the interim use, and
  - (v) any development permit for an interim use has a time limit of five years, except that the Director of Planning or Development Permit Board may renew development permits for interim uses for subsequent terms of up to five years. [12294; 18 10 30]

3.3 In addition to the uses set out in section 3.2, uses permissible in sub-area 1 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio – Class A, Fitness Centre, Library, Museum or Archives, Personal Training Centre, and Theatre;
- (b) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;

- (c) Office Uses;
- (d) Retail Uses, not including Adult Retail Store, Gasoline Station – Full Service, Gasoline Station – Split Island, Pawn Shop, and Vehicle Dealer; and
- (e) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Cabaret, Catering Establishment, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop – Class B, Restaurant, School - Arts or Self-Improvement, School – Business, and School – Vocational or Trade; and
- (f) Accessory Uses customarily ancillary to the uses listed in this section 3.3.

3.4 In addition to the uses set out in section 3.2, uses permissible in sub-area 2 include only:

- (a) Cultural and Recreational Uses, limited to Artist Studio – Class A, Club, Fitness Centre, Hall, Library, Museum or Archives, Personal Training Centre, and Theatre;
- (b) Institutional Uses, limited to Child Day Care Facility, Church, Community Care Facility, Group Residence, and Social Service Centre;
- (c) Live-Work Use;
- (d) Manufacturing Uses, limited to Bakery Products Manufacturing, Brewery and Distilling, Clothing Manufacturing, Dairy Products Manufacturing, Jewellery Manufacturing, Leather Manufacturing, Printing or Publishing, Textiles or Knit Goods Manufacturing, and Wood Products Manufacturing;
- (e) Office Uses;
- (f) Retail Uses not including Adult Retail Store, Gasoline Station – Full Service, Gasoline Station – Split Island, Pawn Shop, and Vehicle Dealer; [12142; 2018 06 19] [12915; 2021 03 09]
- (g) Service Uses, limited to Animal Clinic, Barber Shop or Beauty Salon, Beauty and Wellness Centre, Bed and Breakfast Accommodation, Cabaret, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, and School – Vocational or Trade; and
- (h) Accessory Uses customarily ancillary to the uses listed in this section 3.4.

3.5 Uses permissible in sub-area 3 include only the uses set out in section 3.2.

## Conditions of Use

- 4.1 The design and lay-out of at least 35% 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".
- 4.2 At least 22 540 m<sup>2</sup> of dwelling uses, other than live-work uses, must be developed as affordable housing, as defined in the East Fraser Lands Official Development Plan By-law. [11617; 2016 09 20] [12294; 2018 10 30]
- 4.3 In sub-area 1, except for dwelling units fronting directly on Marine Way, the rail corridor as defined in the East Fraser Lands Official Development Plan, or on courtyards, a dwelling use must be on the second or a higher floor of a building.
- 4.4 In sub-area 1, a personal training centre, school – arts or self-improvement, or office must be on the second or a higher floor of a building except that advertising, financial institution, health care, insurance, real estate, travel, and ticket agency offices may be at grade.
- 4.5 In sub-area 2, the first storey of a building containing a manufacturing use, to a depth of 4.5 m from the front wall of the building and extending across its full width, must benefit pedestrian character to the satisfaction of the Director of Planning or Development Permit Board.
- 4.6 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).
- 4.7 Any development permit issued for a building that includes a multiple dwelling use, or a group of buildings that comprises a single development, must stipulate the number of secondary dwelling units included in the development.
- 4.8 In sub-area 2, floor area for office uses may be used for dwelling units used for secured market rental housing. [12915; 2021 03 09]

## Density

- 5.1 The floor area for all uses, combined, must not exceed 183 111 m<sup>2</sup>. [12294; 2018 10 30] [12915; 2021 03 09]
- 5.2 The floor area for all dwelling uses, combined, must not exceed 142 364 m<sup>2</sup>, excluding dwelling units used as secured market rental housing located in the floor area for office uses in sub-area 2. [12294; 2018 10 30] [12915; 2021 03 09]
- 5.3 The floor area for all cultural and recreational uses, institutional uses, office uses, retail uses, and service uses in sub-area 1, combined, must not exceed 15 183 m<sup>2</sup>.
- 5.4 The floor area for all cultural and recreational uses, institutional uses, live-work uses, manufacturing uses, office uses, retail uses, and service uses in sub-area 2, combined, must not exceed 23 726 m<sup>2</sup>.
- 5.5 The floor area for office uses, combined, must not exceed 14 442 m<sup>2</sup>.

- 5.6 The floor area for a manufacturing use in sub-area 2 must not exceed 200 m<sup>2</sup>.
- 5.7 In each of sub-areas 1 and 2, an accessory use must not exceed a gross floor area equal to 25% of the gross floor area of the principal use to which it is ancillary.
- 5.8 The number of principal dwelling units combined with secondary dwelling units in a building must not exceed 25% of the total number of dwelling units in that building.
- 5.9 A secondary dwelling unit must consist of at least 19 m<sup>2</sup>.
- 5.10 Computation of floor area 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 a dwelling use or 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.
- 5.11 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 exclusions must not exceed 8% of the residential floor area being provided;
  - (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) 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 space 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) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 7 000 m<sup>2</sup>; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 406 mm thickness based on an overall wall performance of R15 or greater.

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

- (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, if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, except that:
  - (i) the total area of all open balcony or sun deck exclusions must not exceed 12% of the residential floor area being provided,
  - (ii) the location of the floor area equal to the additional exclusion between 8% and 12% must be primarily at the south or west facades to improve solar shading between the spring and fall equinox,
  - (iii) the location and design of any additional exclusion between 8% and 12% that does not improve solar shading must improve the livability of dwelling units and the usability of associated outdoor spaces, and
  - (iv) achieve acceptable urban design within the approved form of development for the site, in the opinion of the Director of Planning;
- (b) enclosed residential balconies if:
  - (i) the total area of enclosed balcony does not exceed 4% of residential floor area fronting on Marine Way;
  - (ii) the enclosed balconies are part of dwelling units in the first nine storeys that front Marine Way, and
  - (iii) the total area of enclosed balcony does not exceed 4% of residential floor area fronting on Marine Way;
- (c) 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, energy efficiency, or occupant comfort;
- (d) 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;
- (e) despite section 5.10(c), open to below spaces or double height volumes in two storey live-work units, to a maximum of 30% of the floor area of the first floor of that unit, if:
  - (i) the design of the unit provides for open-to-below or double-height volume located at the street frontage with a depth of at least 3 m along 65% of the frontage,
  - (ii) a 30% volume remains open to below, and
  - (iii) there is a demonstration of an approvable second level design at the time of application for a development permit, regardless of whether the second level is constructed at time of occupancy;
- (f) features to reduce solar gain which may be in the form of French balconies, horizontal extensions, solar shades, and other features which, in the opinion of the Director of Planning, are similar to the foregoing if there are no encroachments over the property line;
- (g) cultural, recreational, and institutional uses secured to the city's satisfaction for public use and benefit;
- (h) tool sheds, trellises, and other garden structures which support the use of intensive green roofs and urban agriculture, and, despite section 5.10(b), those portions of stairways and elevator enclosures which are at the roof level providing access to the garden area; and
- (i) floor space devoted to passive design elements such as larger ventilation and light within buildings if:
  - (i) the total area of passive design element exclusions does not exceed 2% of the total floor area of the building, and
  - (ii) urban design within the approved form of development for the site, in the opinion of the Director of Planning, is acceptable.

5.13 The use of floor space excluded under section 5.11 or 5.12 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, for each development parcel illustrated on the plan marginally numbered Z-619(b)(iii) attached as Schedule A to this By law and referred to in the following table must not exceed either the number of storeys or height in metres set out in the following table:



<b>Development Parcel</b>	<b>Number of storeys</b>	<b>Maximum building heights in metres</b>
13	25	77
14	7	30.67
15	17	56.62
16	25	80.62
17	19	62.62
18	25	80.62
19	18	59.62

[12294; 2018 10 30]

6.2 If the uppermost level of a building:

- (a) consists of the upper floors of two storey dwelling units;
- (b) does not exceed 40% of the floor area below it;
- (c) provides rooftop access to private outdoor space and usable roof area; and
- (d) meets the intent of the CD-1 design guidelines adopted by Council for it;

then, for the purposes of section 6.1, the uppermost level is not a storey.

6.3 Despite sections 6.1 and 6.2, the Director of Planning or Development Permit Board may permit a greater building height for garden structures such as elevator and stair enclosures, amenity areas, tool sheds, and trellises.

### **Parking, Loading, and Bicycle Spaces**

7. Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law. [12294; 2018 10 30]

### **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 the 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

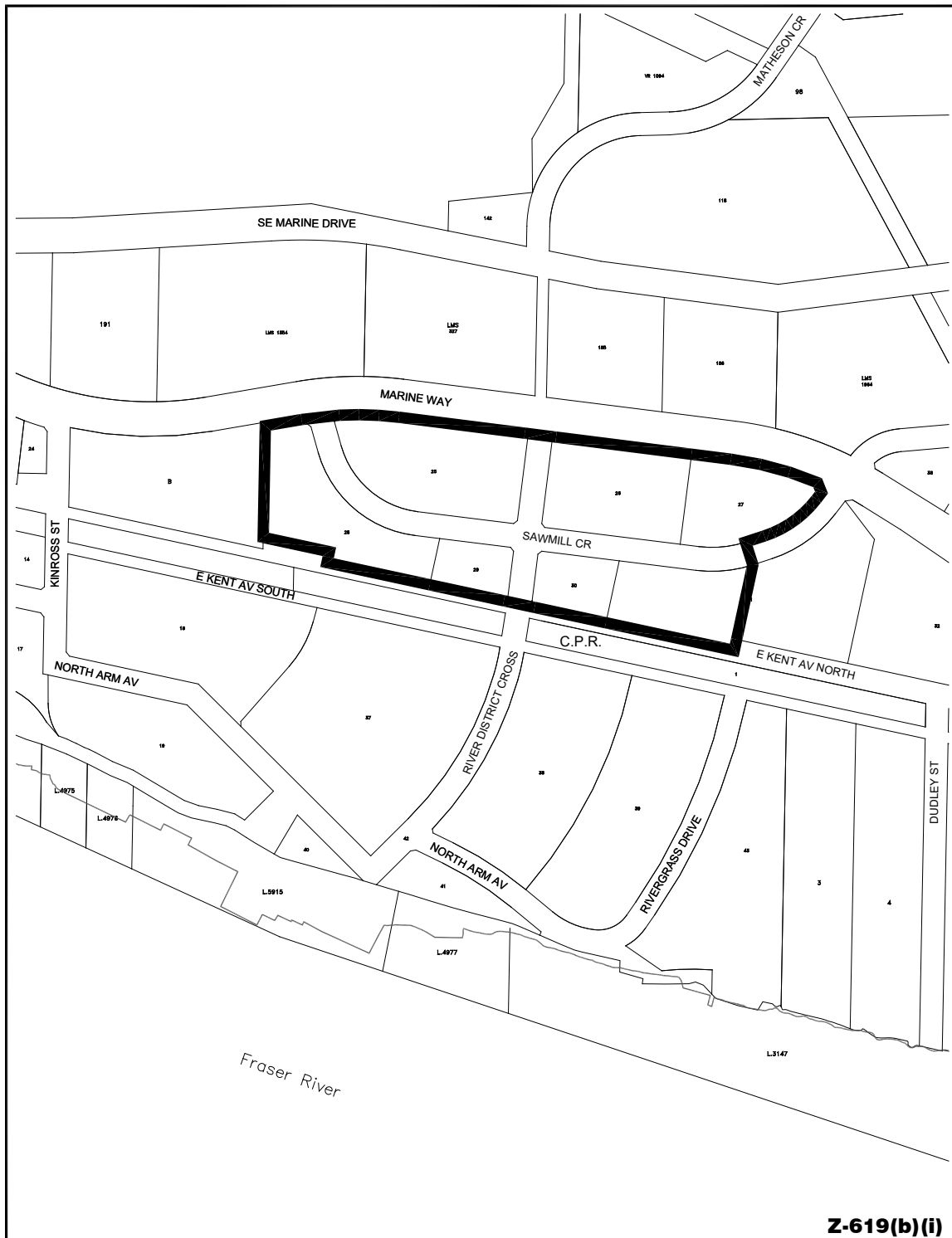
## **Severability**

9. 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**

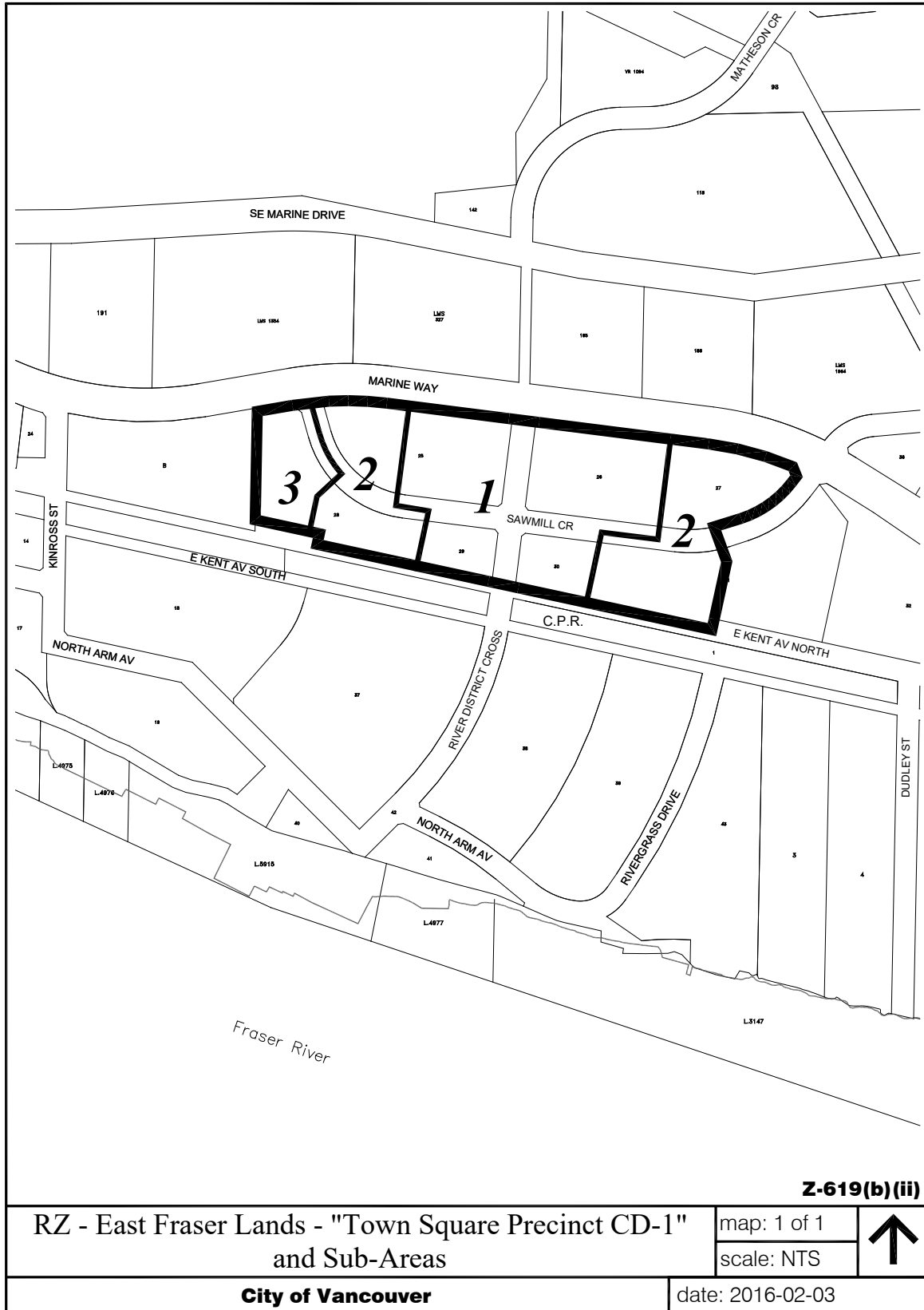
10. *[Section 10 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signatures to pass the by-law and certify the by-law number and date of enactment.]*

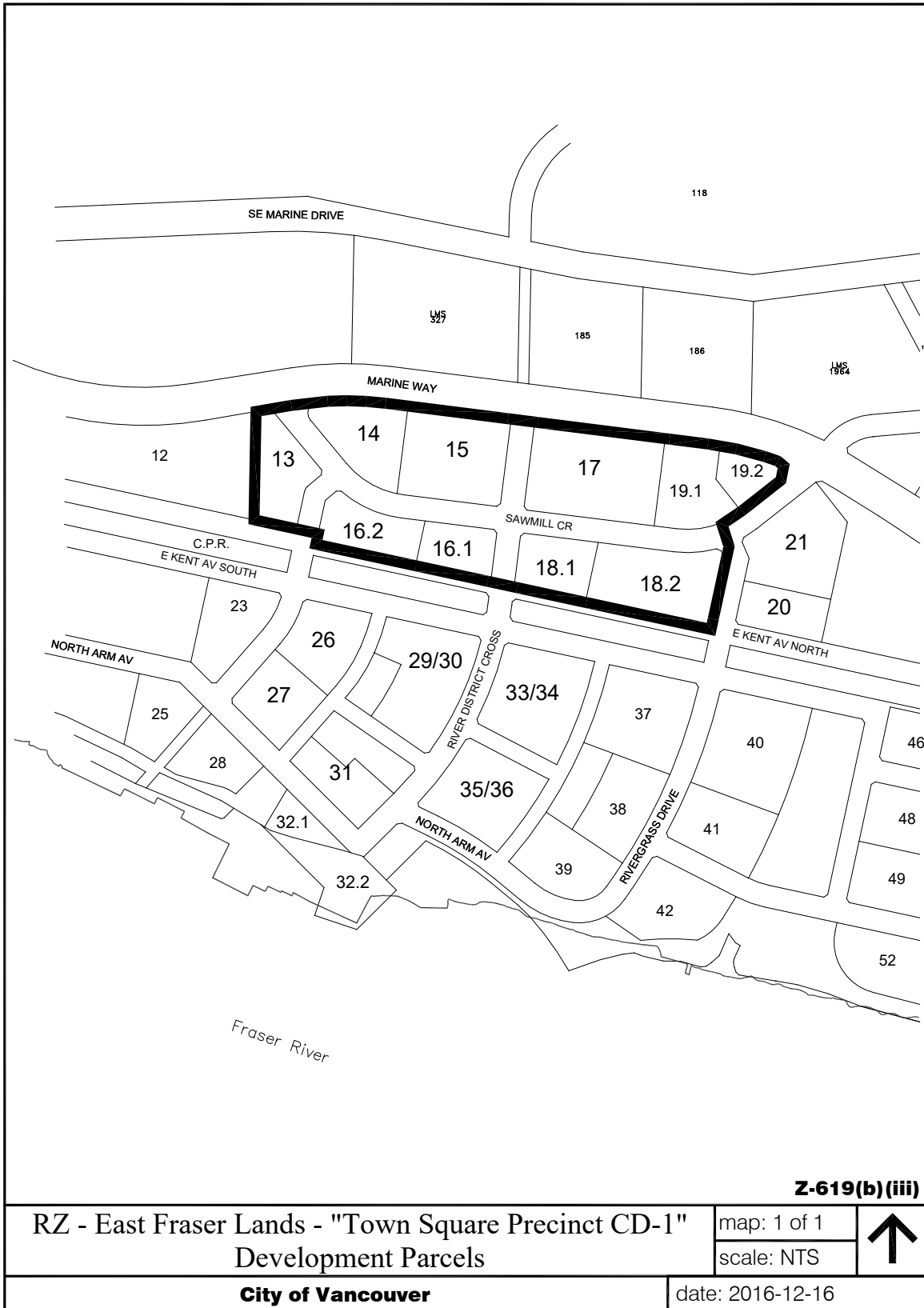
**Schedule A**



**Z-619(b)(i)**

RZ - East Fraser Lands - Removal of lands from East Fraser Lands High Street and East Fraser Lands Non-High Street By-laws and Inclusion into Schedule D to the Zoning and Development By-law	map: 1 of 1	
	scale: NTS	
<b>City of Vancouver</b>		date: 2016-02-03





Public Hearing – September 16, 2008 - Item 9 – [Agenda](#) | [Minutes](#)

Summary – Rezone from M-2 (Heavy Industrial) District to a new CD-1 in accordance with the East Fraserlands ODP.

By-law enacted on May 13, 2014– [By-law No. 10941](#) (Zoning and Development)

By-law enacted on September 16, 2014 – [By-law No. 11065](#) (Noise Control)

Public Hearing – June 21, 2016 - Item 4 – [Agenda](#) | [Minutes](#)

Summary – Amend maps to remove the rail corridor, which were inadvertently included, and reflect current subdivisions and applicable parcels, as well as, correct and clarify the East Fraserlands ODP and associated CD-1 By-laws.

By-law enacted on September 20, 2016– [By-law No. 11617](#)

Public Hearing – September 18, 2018 - Item 3 – [Agenda](#) | [Minutes](#)

Summary – Amend CD-1 (566) to add 1,770 sq. m (19,052 sq. ft.) of Affordable Housing on Parcel 13, to increase the height from 20 storeys to 25 storeys, and make housekeeping amendments.

By-law enacted on October 30, 2018– [By-law No. 12294](#)

Public Hearing – July 7, 2020 - Item 2 – [Agenda](#) | [Minutes](#)

Summary – To amend the CD-1 (566) (Comprehensive Development) District and the East Fraser Lands Official Development Plan by-laws to permit secured rental housing and retail uses on Parcels 14 and 19 with no additional floor area, and to increase Parcel 19 floor area by 1,858 square metres (20,000 square feet) to permit a community energy centre. The proposal includes moving the 49-space childcare centre from Parcel 19 to an alternative location in East Fraser Lands.

By-law enacted on March 9, 2021– [By-law No. 12915](#)