

CD-1 (620)

1412-1424 East 41st Avenue

By-law No. 11374

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

Effective November 17, 2015

Amended up to and including:

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

By-law No. 12966, dated April 27, 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.

1 Zoning District Plan Amendment

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-671 (c) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D to By-law No. 3575.

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (620).

2.2 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 (620), and the only uses for which the Director of Planning or the 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 except that no portion of the first storey of a building to a depth of 10.7 m from the north wall of the building and extending across its full width shall be used for residential purposes except for entrances to the residential portion;
- (b) Cultural and Recreational Uses;
- (c) Institutional Uses;
- (d) Manufacturing Uses, limited to Jewellery Manufacturing and Printing and Publishing;
- (e) Office Uses;
- (f) Retail Uses;
- (g) Service Uses;
- (h) Utility and Communication Uses; and
- (i) Accessory Uses customarily ancillary to the uses listed in this section.

[12966; 2021 04 27]

3 Floor Area and Density

3.1 Computation of floor space ratio must assume that the site consists of 1,310 m², being the site size at the time of the application for the rezoning evidenced by this By-law.

3.2 Floor space ratio for all uses must not exceed 2.42.

- 3.3 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.
- 3.4 Computation of floor area must include:
- (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, provided that the total area of all exclusions does not exceed 8% of the residential floor area being provided;
 - (b) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sun deck exclusion does not exceed 8% of the residential floor area being provided, and
 - (ii) no more than 50% of the excluded balcony floor area may be enclosed;
 - (c) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
 - (d) 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, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
 - (e) amenity areas, including child day care facilities, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10 % of the total permitted floor area, provided that for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood; and
 - (f) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.
- 3.5 The use of floor area excluded under section 3.4 must not include any purpose other than that which justified the exclusion.

4 Building Height

Building height, measured from base surface, must not exceed 14.35 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 (620).

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 m².

6 Acoustics

A development permit application for dwelling uses shall require evidence in the form of a report and recommendations prepared by persons trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below shall 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 (Leq) sound level and will be defined simply as the noise level in decibels.

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

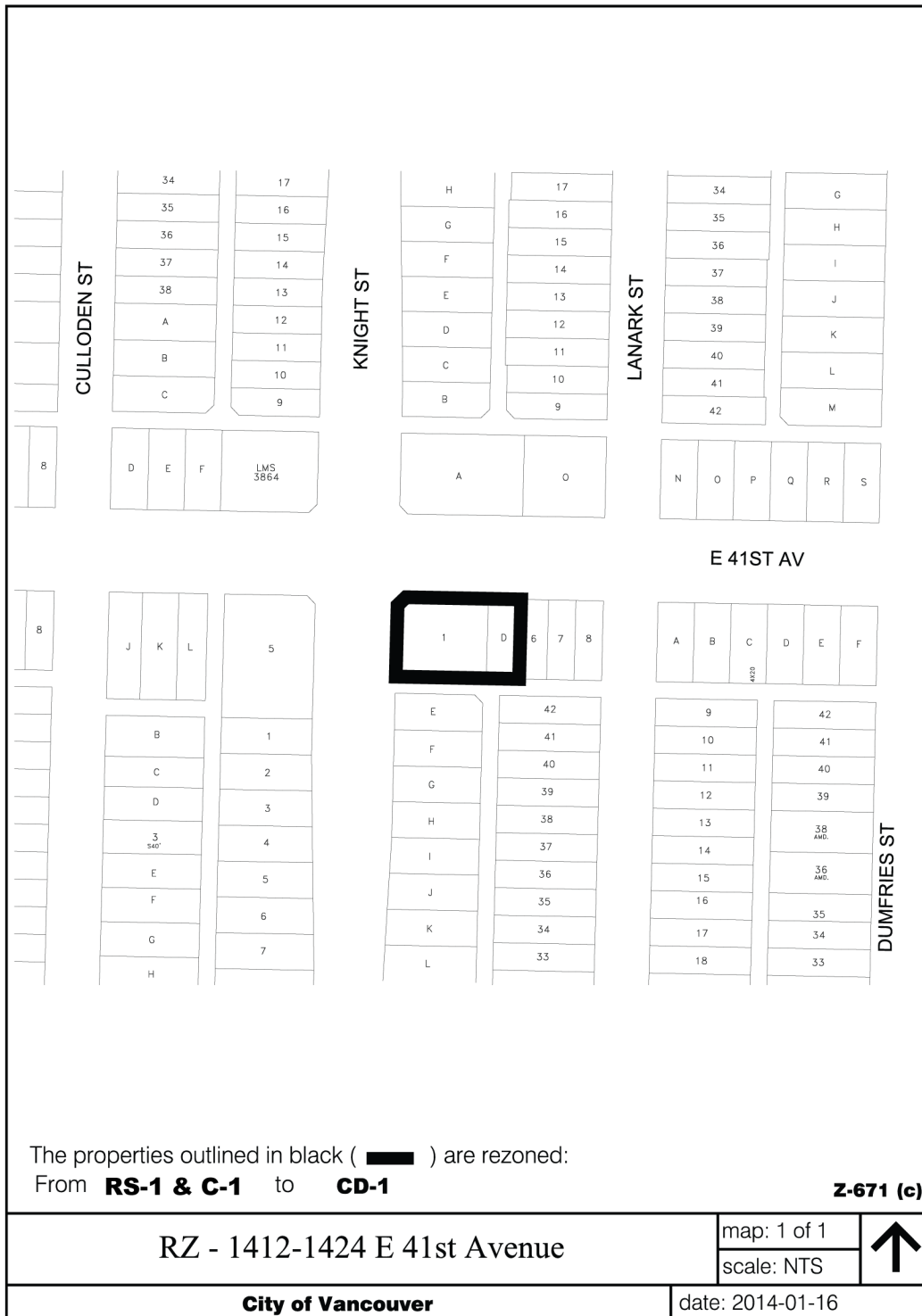
7 Severability

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 Force and Effect

[Section 8 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



Public Hearing – February 18, 2014 – Item 4 – [Agenda](#)

Summary – Rezone from C-1 and RS-1 to permit a 4-storey mixed-use building with commercial retail units at grade and 42 units of for-profit affordable rental housing units on upper floors.

By-law enacted on November 17, 2015– [By-law No. 11374](#)

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

Summary – 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 – April 13, 2021 – Item 1 – [Agenda](#)

Summary –Amend CD-1 (620), By-law No. 11374, to remove a number of limitations applied to the ground floor commercial units to accommodate a wider range of business types and to support the viability of these commercial units.

By-law enacted on April 27, 2021– [By-law No. 12966](#)