

CD-1 (745)

686-688 East 22nd Avenue,
3811-3891 Fraser Street and
679 East 23rd Avenue

By-law No. 12726

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

Effective July 7, 2020

Amended up to and including:

By-law No. 13087, dated July 20, 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.

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 numbered Z-795 (a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D of By-law No. 3575. [13087; 2021 07 20]

Designation of CD-1 District

2. The description of the area shown within the heavy black outline on Schedule A is CD-1 (745).

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 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Cultural and Recreational Uses, limited to Artist Studio, Arcade, Arts and Culture Indoor Event, Billiard Hall, Bowling Alley, Club, Community Centre or Neighbourhood House, Fitness Centre, Hall, Library, Museum or Archives, and Theatre;
 - (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
 - (c) Office Uses, limited to Financial Institution, General Office, and Health Care Office;
 - (d) 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, Secondhand Store, and Small-scale Pharmacy;
 - (e) Service Uses, limited to Animal Clinic, Auction Hall, 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 A, Repair Shop – Class B, Restaurant – Class 1, Restaurant – Class 2, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Wedding Chapel;
 - (f) Institutional Uses, limited to Child Day Care Facility; and
 - (g) Accessory uses customarily ancillary to the uses permitted in this section.

Conditions of use

- 4.1 All commercial uses and accessory uses listed in this section shall be carried on wholly within a completely enclosed building except for the following:
- (a) Farmers' Market;
 - (b) Neighbourhood Public House;
 - (c) Public Bike Share;
 - (d) Restaurant; and
 - (e) Display of flowers, plants, fruits and vegetables in conjunction with a permitted use.
- 4.2 The design and layout 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".

Floor area and density

- 5.1 Computation of floor space ratio must assume that the site consists of 2,992.6 m², 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 3.28.
- 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 m² 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 amenity areas, except that the total exclusion for amenity areas must not exceed 10% of permitted floor area.

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

Building height

6. The building height, measured from base surface to the top of the roof parapet above the uppermost storey, must not exceed 21.8 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 of 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 (745).

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 m².

Acoustics

- 8. A development permit application for dwelling uses must include an acoustical report prepared by a registered professional acoustical 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.

Portions of dwelling units	Noise levels (Decibels)
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 (745).

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. *[Section 11 is not reprinted here. It contains a standard clause including the Mayor and City Clerk’s signatures to pass the by-law and to certify the by-law number and date of enactment.]*

Schedule A



[13087; 2021 07 20]

Public Hearing – July 9, 2019 – Item 5 – [Agenda](#)

Summary – Rezone from RT-2 to permit a six-storey mixed-use building with commercial uses at grade and 121 secured market rental housing units.

By-law enacted on July 7, 2020– [By-law No. 12726](#)

Public Hearing – July 13, 2021 – Item 1 – [Agenda](#)

Summary – Amend CD-1 (745), By-law No. 12726, to correct the labelling on the Schedule A map to state “From RT-2 to CD-1” instead of “RS-1 to CD-1”.

By-law enacted on July 20, 2021 – [By-law No. 13087](#)