

# **CD-1 (845)**

728-796 Main Street

## **By-law No. 13614**

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

***Effective January 31, 2023***

*Amended up to and including:*

By-law No. 13637, dated March 28, 2023

### **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-785 (b) 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 area shown within the heavy black outline in Schedule A is hereby designated CD-1 (845).

## **Uses**

3. 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 (845), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
  - (a) Cultural and Recreational Uses;
  - (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this by-law;
  - (c) Institutional Uses;
  - (d) Manufacturing Uses;
  - (e) Office Uses;
  - (f) Retail Uses;
  - (g) Service Uses;
  - (h) Utility and Communication Uses; and
  - (i) Accessory uses customarily ancillary to the uses permitted in this section, except that:
    - (i) the total floor area of all accessory uses must not exceed 25% of the gross floor area of the principal use, and
    - (ii) all accessory uses must be wholly contained within the principal building.

## **Conditions of Use**

- 4.1 The design and lay-out of at least 35% of the dwelling units located on the fourth storey and above must: [13637; 2023 03 28]

- (a) be suitable for family housing;
  - (b) include two or more bedrooms of which:
    - (i) at least 25% of the total dwelling units must be two-bedroom units,
    - (ii) at least 10% of the total dwelling units must be three-bedroom units; and
  - (c) comply with Council's "High-Density Housing for Families with Children Guidelines."
- 4.2 Permitted uses must be wholly contained within a totally enclosed building, except for:
- (a) display of flowers, plants, fruits, and vegetables;
  - (b) Restaurant;
  - (c) Neighbourhood Public House;
  - (d) Farmers' Market; and
  - (e) Public Bike Share.
- 4.3 Notwithstanding section 4.2, if the Director of Planning first considers all applicable Council policies and guidelines, the Director of Planning may permit the outdoor display of retail goods, subject to such conditions as the Director of Planning deems necessary, having regard to the:
- (a) type of merchandise;
  - (b) size of the display;
  - (c) location of the display;
  - (d) hours of operation of the display; and
  - (e) impact of the display on adjoining sites.
- 4.4 Permitted uses under section 3 must not include bulk storage of vegetable oil or fat, fish, fish oil or meal, scrap, junk, chemicals, paints, varnishes, rags, cotton waste, petroleum, bitumen or tar products or derivatives, or similar flammable products or materials.

### **Floor Area and Density**

- 5.1 Computation of floor space ratio must assume that the site consists of 1,193.3 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 6.79.

- 5.3 Computation of floor area must include all floors, including earthen floor, above and below ground level, having a minimum ceiling height of 1.2 m, measured to the extreme outer limits of the building.
- 5.4 Computation of floor area must exclude:
- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that:
    - (i) total area of such exclusions must not exceed 12% of the residential floor area, and
    - (ii) balconies must not be enclosed for the life of the building.
  - (b) patios or roof gardens only if the Director of Planning first approves the design of sunroofs and wall; and
  - (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) amenity areas, except that the exclusion must not exceed 10% of the permitted floor area; and
  - (b) unenclosed outdoor areas underneath the building overhangs, at grade level, except that such areas 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 above base surface, must not exceed 35.5 m.
- 6.2 Despite section 6.1 of this by-law and section 10.18 of the Zoning and Development By-law, the Director of Planning may permit a greater height for rooftop amenity spaces and mechanical appurtenances, to a maximum height of 37.5 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 (845).
- 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 requires evidence in the form of a report and recommendations prepared by a registered professional acoustical engineer, demonstrating that the noise levels in those portions of the dwelling units listed below do 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

## **Zoning and Development By-law**

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

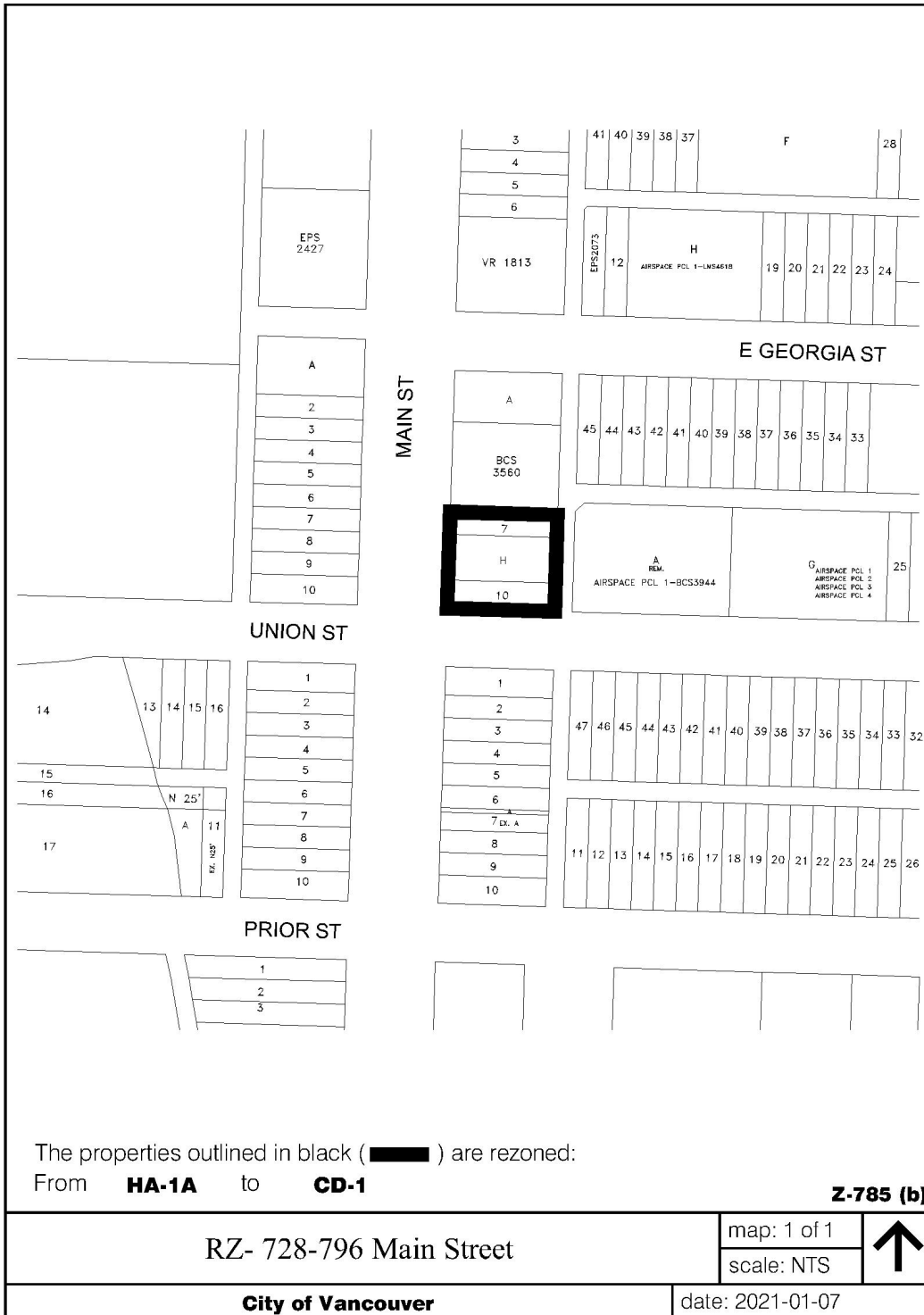
## **Severability**

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 certify the by-law number and date of enactment.]*

**Schedule A**



Public Hearing – February 9, 2021 – Item 4 – [Agenda](#)

Summary – To rezone 728-796 Main Street from HA-1A (Chinatown South) to CD-1 (Comprehensive Development) District, to permit an 11-storey mixed-use building containing 19 social housing units, 75 strata residential units, and ground-floor commercial retail units. A maximum building height of 35.5 m (116.5 ft.) and a floor space ratio (FSR) of 6.79 are proposed.

By-law enacted on January 31, 2023– By-law No. [13257](#)

Public Hearing – March 7, 2023 – Item 1 – [Agenda](#)

Summary – To make miscellaneous amendments to: CD-1 (80) at 4949-4951 Heather Street; CD-1 (312) at 1529 West Pender Street, 560-588 Cardero Street, 535 Nicola Street, 499 Broughton Street and 1199 West Cordova Street; CD-1 (643) at 1335 Howe Street and CD-1 (845) at 728-796 Main Street; to improve clarity, update references, correct inadvertent errors or omissions, and/or improve the administration of the by-laws.

By-law enacted on March 28, 2023 – By-law No. [13637](#)