

CD-1 (743)

3281-3295 East 22nd Avenue

By-law No. 12675

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

Effective April 14, 2020

Amended up to and including:

By-law No. 12967, 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.

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-889(a) attached as Schedule A to this By-law, and incorporates Schedule A into Schedule D of By-law No. 3575.

Uses

- 2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (743).
- 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 (743), 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 - Class A, Billiard Hall, Club, Community Centre or Neighbourhood House, Fitness Centre, and Library;
 - (b) Dwelling Uses, limited to Dwelling Units in conjunction with any of the uses listed in this By-law;
 - (c) Institutional Uses, limited to Child Day Care Facility, Public Authority Use, and Social Service Centre;
 - (d) Office Uses;
 - (e) Retail Uses, limited to Farmers' Market, Grocery or Drug Store, Liquor Store, Public Bike Share, Retail Store, and Secondhand Store;
 - (f) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Laundromat or Dry Cleaning Establishment, Neighbourhood Public House, Print Shop, Photofinishing or Photography Studio, Repair Shop – Class B, and Restaurant – Class 1;
 - (g) Utility and Communication Uses, limited to Public Utility and Radiocommunication Station; and
 - (h) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of use

- 3.1 All commercial uses permitted in this By-law shall be carried on wholly within a completely enclosed building except for:
 - (a) Farmer's 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.
- 3.2 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".

Floor area and density

- 4.1 Computation of floor space ratio must assume that the site consists of 1,555 m², being the site size at the time of the application for the rezoning evidenced by this By-law.
- 4.2 Floor space ratio for all uses must not exceed 3.00.
- 4.3 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.
- 4.4 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) the total area of all such exclusions must not exceed 12% of the residential floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (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 the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
 - (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum of 10% of the total permitted floor area; and
 - (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.

- 4.5 The use of floor area excluded under section 4.4 must not include any use other than that which justified the exclusion.

Building height

5. Building height, measured from base surface, must not exceed 21.3 m.

Horizontal angle of daylight

- 6.1 Each habitable room must have at least one window on an exterior wall of a building.
- 6.2 The location of each 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.
- 6.3 Measurement of the plane or planes referred to in section 6.2 must be horizontally from the centre of the bottom of each window.
- 6.4 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.
- 6.5 An obstruction referred to in section 6.2 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 (743).
- 6.6 A habitable room referred to in section 6.1 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

- 7. 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.

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

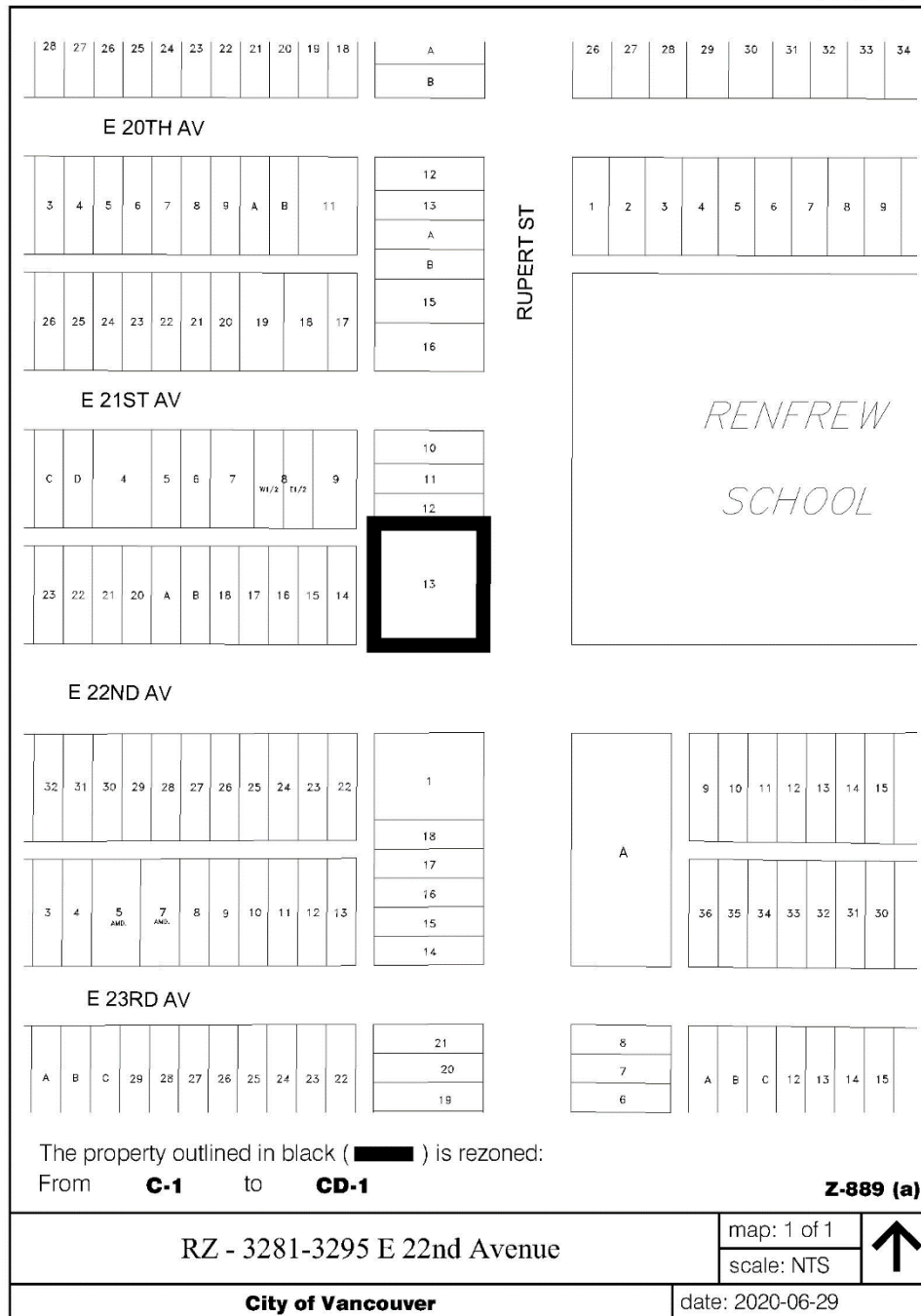
Severability

- 8. 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

- 9. *[Section 9 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



[12967; 2021 04 27]

Public Hearing – May 15, 2018 – Item 3 – [Agenda](#)

Summary – Rezone from C-1 to permit a 6-storey mixed-use building with commercial uses at grade and 55 secured for-profit affordable rental housing units.

By-law enacted on April 14, 2020– [By-law No. 12675](#)

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

Summary –Amend CD-1 (743), By-law No. 12675, to correct a labeling error on the Schedule A map.

By-law enacted on April 27, 2021– [By-law No. 12967](#)