

CD-1 (868)

1045 Burnaby Street

By-law No. 14084

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

Effective June 25, 2024

Amended up to and including:

By-law No. 14608, dated February 3, 2026

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 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 on Schedule A is hereby designated CD-1 (868).

Definitions

3. Words in this by-law have the meaning given to them in the Zoning and Development By-law, except that:
 - (a) for the purpose of calculating the total dwelling unit area for section 5.1 of this by-law, "Dwelling Unit Area" is the floor area of each dwelling unit, measured to the inside of all perimeter walls excluding any floor area as required by section 6.4 of this By-law; and
 - (b) "Below-market Rental Housing Units" means dwelling units where the rents are set, at the commencement of each new tenancy, at rates that do not exceed either 20% or 50% below the Canada Mortgage Housing Corporation (CMHC) average rents for Zone 2 (English Bay), all as secured by a housing agreement registered on title to the property.

Uses

4. 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 this CD-1 and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Multiple Dwelling; and
 - (b) Accessory Uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 5.1 A minimum of 20% of the total dwelling unit area must be below-market rental housing units.

- 5.2 The design and layout of at least 35% of the total number of below-market rental dwelling units and at least 35% of the total number of other dwelling units must:
- (a) be suitable for family housing; and
 - (b) include 2 or more bedrooms.

Floor Area and Density

- 6.1 Computation of floor area must assume that the site area is 1,605.9 m², being the site area at the time of the application for the rezoning evidenced by this by-law, prior to any dedications.
- 6.2 The maximum floor space ratio for all uses combined is 6.19.
- 6.3 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, both above and below base surface, measured to the extreme outer limits of the building.
- 6.4 Computation of floor area and dwelling unit area must exclude:
- (a) balconies and decks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that:
 - (i) the total area of these exclusions must not exceed 12% of the permitted floor area, and
 - (ii) the balconies must not be enclosed for the life of the building;
 - (b) patios and roof decks, if the Director of Planning considers the impact on privacy and outlook;
 - (c) floors or portions thereof that are used for:
 - (i) off-street parking and loading located at or below base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length,
 - (ii) bicycle storage, and
 - (iii) heating and mechanical equipment, or uses that the Director of Planning considers similar to the foregoing;
 - (d) entries, porches and verandahs if the Director of Planning first approves the design;
 - (e) all residential storage area above or below base surface, except that if residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit; and
 - (f) all storage area below base surface for non-dwelling uses.

- 6.5 The Director of Planning or Development Permit Board may exclude common amenity areas from the computation of floor area, to a maximum of 10% of the total permitted floor area, if the Director of Planning or Development Permit Board considers the intent of this by-law and all applicable Council policies and guidelines.
- 6.6 Where floor area associated with residential storage area is excluded, a minimum of 20% of excluded floor area above base surface must be located within the below-market rental housing units as storage area.

Building Height

- 7.1 Building height must not exceed 50.32 m. [14608; 2026 02 03]
- 7.2 Despite section 7.1 of this by-law and the building height regulations in section 10 of the Zoning and Development By-law, if the Director of Planning permits mechanical appurtenances including elevator overrun and rooftop access structures, the height of the portions of the building with the permitted mechanical appurtenances must not exceed 51.67 m. [14608; 2026 02 03]

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 8.2 For the purposes of section 8.1 above, habitable room means any room except a bathroom or a kitchen.
- 8.3 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or 2 angles with a sum of 70 degrees, to encounter no obstruction over a distance of 24.0 m.
- 8.4 The plane or planes referred to in section 8.3 above must be measured horizontally from the centre of the bottom of each window
- 8.5 An obstruction referred to in section 8.3 above means:
- (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 8.6 The Director of Planning or Development Permit Board may vary the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board considers all applicable Council policies and guidelines and:
- (a) the minimum distance of unobstructed view is at least 3.7 m; or
 - (b) the habitable room is within a unit assigned to below-market rental housing units containing a minimum of 3 bedrooms, where the horizontal angle of daylight requirement is varied for no greater than 1 of the habitable rooms in the unit.

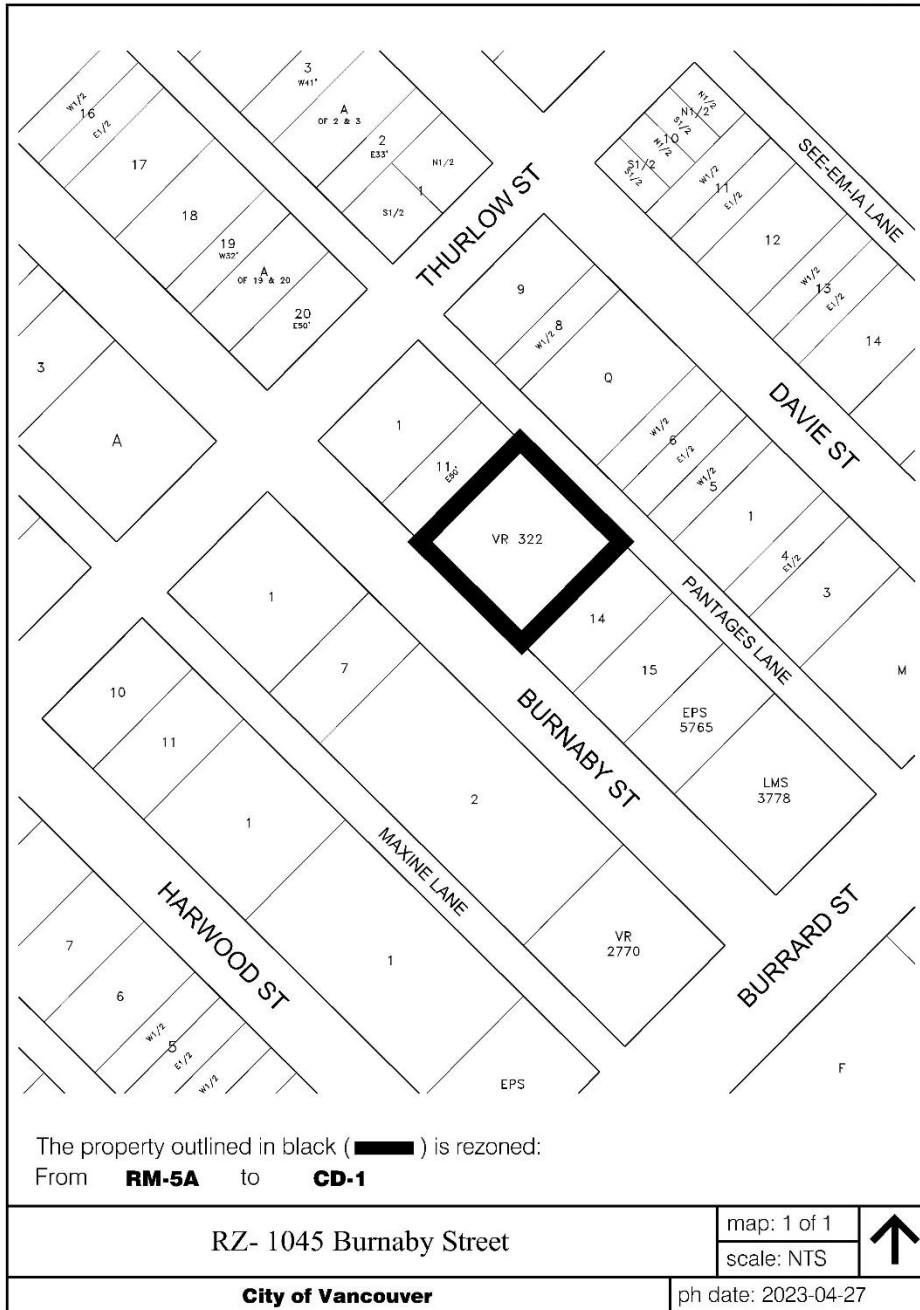
Severability

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



Public Hearing – April 27, 2023 – Item 1 – [Agenda and Minutes](#)

Summary – To rezone 1045 Burnaby Street from RM-5A (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a 16-storey residential building, with 20 percent of the residential floor area secured with below market rents. 170 secured-rental housing units are proposed, of which 133 are market rental and 37 are below-market rental. A height of 49.0 m (160.8 ft.) and a floor space ratio (FSR) of 6.19 are also proposed.

By-law enacted on June 25, 2024 – [By-law No. 10484](#)

Public Hearing – January 20, 22, and 27, 2026 – Item 1 – [Agenda and Minutes](#)

Summary – Amend CD-1 (868) By-law No. 14084 for 1045 Burnaby Street, to increase the permitted height to accommodate for portions of the rooftop appurtenances to accommodate design changes. Included in set of miscellaneous CD-1 amendments.

By-law enacted on February 3, 2026 – [By-law No. 14608](#)