

CD-1 (792)

445 Kingsway and
2935 St. George Street

By-law No. 13144

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

Effective October 19, 2021

Amended up to and including:

By-law No. 13355, dated June 7, 2022

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-769 (d) 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 (792).

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 purposes 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 6.5 of this By-law; and [13355; 2022 06 07]
 - (b) “Moderate Income Rental Housing Units” means dwelling units that meet the requirements of approved Council policies and guidelines for Moderate Income Rental Housing, 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 CD-1 (792), and the only uses for which the Director of Planning or 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;
 - (b) 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;
 - (c) Institutional Uses, limited to Child Day Care Facility and Social Service Centre;
 - (d) Office Uses;
 - (e) 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;

- (f) 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, School – Arts or Self-Improvement, School – Business, School – Vocational or Trade, and Wedding Chapel;
- (g) Storage Warehouse;
- (h) Utility and Communication Uses, limited to Public Utility and Radio Communication Station; and
- (i) 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 Moderate Income Rental Housing Units.
- 5.2 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”.
- 5.3 There shall be no dwelling units above the 14th storey.
- 5.4 Non-residential uses are restricted to the ground floor, level 2 and below grade.
- 5.5 Storage Warehouse use is limited to below grade only, except for vehicle ramp access from grade. The washing of any vehicles stored under this use is considered an acceptable Accessory Use.
- 5.6 No portion of the first storey within a depth of 10.7 m of the front wall of the building facing Kingsway and extending across its full width, shall be used for residential purposes except for entrances to the residential portion and the underground access ramp.
- 5.7 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.

Floor Area and Density

- 6.1 Computation of floor space ratio must assume that the site consists of 4330 m², being the site size at the time of the application for the rezoning evidenced by this By-law, prior to any dedications.
- 6.2 The floor space ratio for all uses combined, except for Storage Warehouse, must not exceed 4.78.
- 6.3 The floor space ratio for Storage Warehouse use, including an acceptable accessory use under section 5.5 shall not exceed 2.44.
- 6.4 Computation of floor area must include all floors having a minimum ceiling height of 1.2 m, including earthen floors, both above and below base surface, measured to the extreme outer limits of the building.
- 6.5 Computation of floor area and dwelling unit 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 residential floor area; 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 that are at or below base surface, except that the exclusion for a parking space must not exceed 7.3 m in length;
 - (d) amenity areas, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted residential floor area or 929 m², whichever is lesser; 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.
- 6.6 The use of floor area excluded under section 6.5 must not include any use other than that which justified the exclusion.

- 6.7 Where floor area associated with storage space is excluded under section 6.5 (e), a minimum of 20% of the excluded floor area above base surface must be located within the Moderate Income Rental Housing Units as residential storage.

Building Height

- 7.1 Building height, measured from base surface to top of parapet, must not exceed 47.65 m.
- 7.2 Despite the provisions of section 7.1 and of section 10.18 of the Zoning and Development By-law, the Director of Planning may permit a greater height than otherwise permitted for mechanical appurtenances such as elevator machine rooms located at least 3 m from the roof perimeter, mechanical screens, or similar features, and a vestibule accessing a green roof, if the Director of Planning first considers:
- (a) siting and sizing in relation to views, overlook, shadowing, and noise impacts; and
 - (b) all applicable policies and guidelines adopted by Council,
- except that the Director of Planning must not permit any structure above a maximum height of 52.8 m.

Horizontal Angle of Daylight

- 8.1 Each habitable room must have at least one window on an exterior wall of a building.
- 8.2 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.
- 8.3 Measurement of the plane or planes referred to in section 8.2 must be horizontally from the centre of the bottom of each window.
- 8.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement if the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council, and:
- (a) the minimum distance of unobstructed view is not less than 3.7 m; or
 - (b) the habitable room is within a unit assigned to moderate income households and containing a minimum of three bedrooms, where the horizontal angle of daylight requirement is relaxed for no greater than one of the habitable rooms in the unit.
- 8.5 An obstruction referred to in section 8.2 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 (792).
- 8.6 A habitable room referred to in section 8.1 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

- 9. 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

Zoning and Development By-law

- 10. Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 (792).

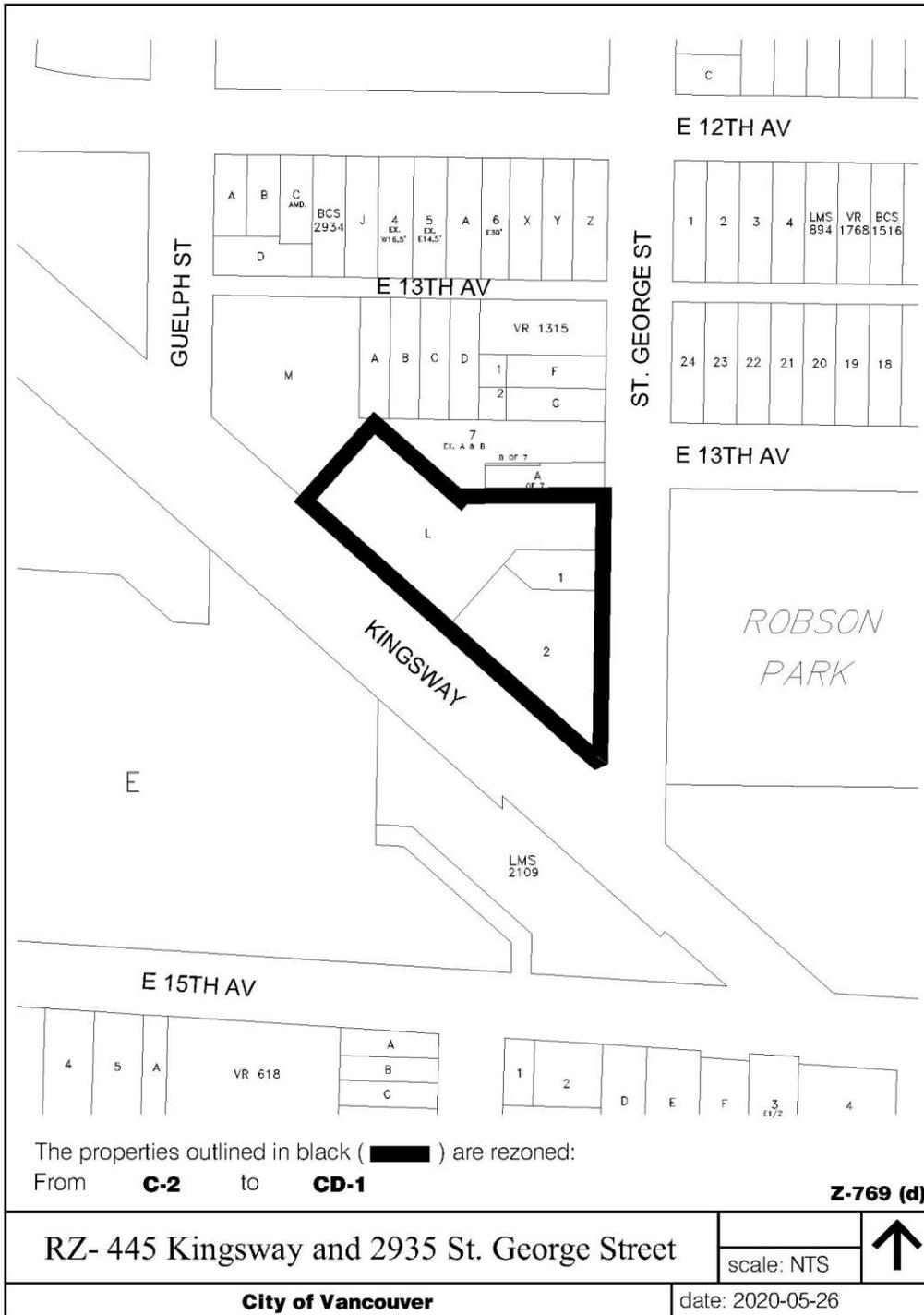
Severability

- 11. 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

- 12. *[Section 12 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 – June 23, 2020 – Item 4 – [Agenda](#)

Summary – Rezone from C-2 to permit the development of a 14-storey mixed-use building.

By-law enacted on October 19, 2021– [By-law No. 13144](#)

Public Hearing – May 17, 2022 – Item 1 – [Agenda](#)

Summary – Amend CD-1 (792), By-law No. 13144, for 445 Kingsway and 2935 St. George Street to correct a reference to floor area exclusions.

By-law enacted on June 7, 2022 – [By-law No. 13355](#)