

CD-1 (832)

319-359 West 49th Avenue

By-law No. 13484

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

Effective July 19, 2022

Amended up to and including:

By-law No. 13641, 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-761 (c) 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 (832).

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 (832), 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 Arcade, Artist Studio, Arts and Culture Indoor Event, Billiard Hall, Community Centre or Neighbourhood House, Fitness Centre, Library, and Museum or Archives;
 - (c) Office Uses, limited to General Office and Health Care Office;
 - (d) Retail Uses, limited to Grocery or Drug Store, Retail Store, and Small-scale Pharmacy;
 - (e) Service Uses, limited to Barber Shop or Beauty Salon, Beauty and Wellness Centre, Catering Establishment, Laboratory, Laundromat or Dry Cleaning Establishment, Photofinishing or Photography Studio, Print Shop, Production or Rehearsal Studio, Repair Shop – Class B, Restaurant, School – Arts or Self-Improvement, School – Business, and School – Vocational or Trade;
 - (f) Accessory uses customarily ancillary to the uses permitted in this section.

Conditions of Use

- 4.1 There shall be no dwelling units above the fourth storey.
- 4.2 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 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."

Floor Area and Density

- 5.1 Computation of floor area must assume that the site area is 2,012.47 m², being the site area at the time of the application for the rezoning application evidenced by this By-law, and before any dedications.
- 5.2 The floor space ratio for all uses combined must not exceed 2.50. [13641; 2023 03 28]
- 5.3 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, measured to the extreme outer limits of the buildings.
- 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 floor 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, provided that 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 base surface, except that the maximum 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 per 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, including common indoor amenity space on the fifth floor, which must not exceed 83.6 m² (900 sq. ft.), except that the total exclusions for amenity areas must not exceed 10% of permitted floor area.
- 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. Building height, measured from base surface to top of parapet, must not exceed 18.1 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 (832).

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 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

9. Sections 2 through 14 of the Zoning and Development By-law apply to this CD-1 (832).

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 – December 10, 2019 – Item 2 – [Agenda](#)

Summary – To rezone 319-359 West 49th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-and-a-half storey building containing commercial uses at grade and 51 strata residential units. A building height of 18.1 metres (59.4 feet) and a floor space ratio (FSR) of 2.30 are proposed.

By-law enacted on July 19, 2022– By-law No. [13484](#)

Public Hearing – February 14, 2023 – Item 3 – [Agenda](#)

Summary – To amend CD-1 (832) (Comprehensive Development) District By-law for 319-359 West 49th Avenue to increase the FSR from 2.30 to 2.50 for a four-storey mixed-use building and permit an increase in commercial units from five to seven and strata-titled residential units from 51 to 64.

By-law enacted on March 28, 2023 – By-law No. [13641](#)