

SUMMARY AND RECOMMENDATION

1. CD-1 Amendment: 2538 Birch Street (formerly 1296 West Broadway)

Summary: To amend CD-1 (708) (Comprehensive Development) District for 2538 Birch Street (formerly 1296 West Broadway) to permit a taller mixed-use building (27 storeys with a mezzanine) with approximately 258 secured rental housing units, of which 22 per cent of the residential floor area will be reserved as moderate-income units. An increase to the permitted floor space ratio (FSR) from 7.07 to 10.55 and an increase to the maximum building height from 52.14 metres (171.1 feet) to 86.19 metres (282.78 feet) are proposed.

Applicant: IBI Group.

Referral: This item was referred to Public Hearing at the Council Meeting of June 9, 2020.

Recommended Approval: By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT the application by IBI Group on behalf of 1061511 B.C. Ltd (Jameson Development Corporation), the registered owner, to amend CD-1 (708) (Comprehensive Development) District, By-law No. 12179 for 2538 Birch Street [*Lot 1, Block 353, District Lot 526, Group 1 New Westminster District Plan EPP 81033; PID 030-417-261*] to increase the permitted floor space ratio (FSR) from 7.07 to 10.55 and the maximum building height from 52.14 m (171.1 ft.) (99.24 m geodetic) to 86.19 m (282.78 ft.) to permit a taller mixed-use building (27 storey with a mezzanine) with approximately 258 secured rental units on the upper floors with 22 per cent of the residential floor area being secured as moderate income units, generally as presented in Appendix A of the Referral Report dated March 17, 2020, entitled "CD-1 Amendment: 2538 Birch Street (formerly 1296 West Broadway)" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by IBI Group and received on May 17, 2019, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the Referral Report.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report, dated March 17, 2020, entitled "CD-1 Amendment: 2538 Birch Street (formerly 1296 West Broadway)", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning by-law, subject to such terms and conditions as may be required at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.

- C. THAT Recommendations A and B be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

[CD-1 Amendment: 2538 Birch Street (formerly 1296 West Broadway)]