

SUMMARY AND RECOMMENDATION

4. CD-1 Rezoning: 2336-2366 Charles Street

Summary: To rezone 2336-2366 Charles Street from C-1 (Commercial) District and RT-5 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with commercial uses at grade and 62 secured rental residential units. A height of 22.0 m (72.2 ft.) and a floor space ratio (FSR) of 3.2 are proposed.

Applicant: Human Studio Architecture + Urban Design

Referral: This item was referred to Public Hearing at the Council Meeting of July 21, 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 Human Studio Architecture + Urban Design, on behalf of 2366 Charles St Properties GP Ltd., the registered owner, to rezone 2336-2366 Charles Street [*Lots 9 to 12 of Lot C, Block 134, District Lot 264A, Plan 5712; PIDs 011-085-614, 011-085-622, 011-085-631, and 004-172-973 respectively*], from C-1 (Commercial) District and RT-5 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 1.2 (C-1) and 0.7 (RT-5) to 3.2 and the building height from 10.7 m (35.1 ft.) to 22.0 m (72.2 ft.) to permit the development of a six-storey mixed-use building containing commercial spaces at-grade and secured market rental residential units, generally as presented in Appendix A of the Referral Report dated July 7, 2020, entitled "CD-1 Rezoning: 2336-2366 Charles Street" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Human Studio Architecture + Urban Design and received on December 12, 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 July 7, 2020, entitled "CD-1 Rezoning: 2336-2366 Charles Street", 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, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Referral Report dated July 7, 2020, entitled “CD-1 Rezoning: 2336-2366 Charles Street”, be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Referral Report dated July 7, 2020, entitled “CD-1 Rezoning: 2336-2366 Charles Street”.
- E. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Parking By-law, generally as set out in Appendix C of the Referral Report dated July 7, 2020, entitled “CD-1 Rezoning: 2336-2366 Charles Street”.
- F. THAT A through E 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 by-law 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.

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