

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 441-475 West 42nd Avenue

Summary: To rezone 441-475 West 42nd Avenue from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of an 18-storey residential building with a four-storey podium and a partial rooftop storey for a common amenity space, containing 124 secured rental units, of which not less than 20% of the total floor area will be secured at below-market rates. A building height of 57.7 m (189 ft.) to the top of the parapet, with additional height for a rooftop amenity and a floor space ratio (FSR) of 6.70 are proposed.

Applicant: Urban Solutions Architecture Ltd.

Referral: This item was referred to Public Hearing at the Council Meeting of December 8, 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 Urban Solutions Architecture Ltd., on behalf of GEC Oakridge Holdings Inc., the registered owner of the lands located at 441-475 West 42nd Avenue [*Lots 5 to 7, all of Block 857, District Lot 526, Plan 7737; PIDs 010-337-253, 010-337-296 and 010-337-300 respectively*], to rezone the lands from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 0.70 to 6.70 and the building height from 10.7 m (35 ft.) to 57.7 m (189 ft.) and to 61.0 m (200 ft.) for the portion with rooftop amenity, to permit the development of an 18-storey residential building with a four-storey podium, consisting of 124 secured rental residential units of which 20% of the residential floor area (approximately 29 residential units) would be secured as below-market rental units, generally as presented in Appendix A of the Referral Report dated November 24, 2020, entitled "CD-1 Rezoning: 441-475 West 42nd Avenue" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Urban Solutions Architecture Ltd. and received on September 16, 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 November 24, 2020, entitled "CD-1 Rezoning: 441-475 West 42nd Avenue", 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, 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 Subdivision By-law, generally as set out in Appendix C of the Referral Report dated November 24, 2020, entitled "CD-1 Rezoning: 441-475 West 42nd Avenue".
- D. THAT A through C 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.

[CD-1 Rezoning: 441-475 West 42nd Avenue]