

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 325-341 West 42nd Avenue

Summary: To rezone 325-341 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, containing approximately 215 secured rental units of which 20% of the residential floor area would be secured as below-market rental units (approximately 40 units). A height of 56.3 m (185 ft.) with additional height for a rooftop amenity space and a floor space ratio (FSR) of 6.84 are proposed.

Applicant: Marcon Properties Ltd.

Referral: This item was referred to Public Hearing at the Council Meeting of March 9, 2021.

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 Marcon Properties Ltd. on behalf of Wei Chun Wu, Thomas and Margaret Wong, and William and Barbara Marshall, the registered owners of the lands located at 325-341 West 42nd Avenue [*Lots 20-22, Block 858, District Lot 526 Plan 7737; PIDs: 008-275-807, 010-336-583, and 010-336- 591 respectively*], to rezone the lands from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.70 to 6.84 and the maximum building height from 10.7 m (35 ft.) to 56.3 m (185 ft.) and to 60.3 m (198 ft.) for the portion with rooftop amenity, to permit the development of an 18-storey residential building with a four-storey podium, consisting of approximately 215 secured rental residential units of which 20% of the residential floor area (approximately 40 residential units) would be secured as below-market rental units, generally as presented in Appendix A of the Referral Report dated February 23, 2021, entitled "CD-1 Rezoning: 325-341 West 42nd Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by Rositch Hemphill Architects received June 8, 2020, 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 February 23, 2021, entitled "CD-1 Rezoning: 325-341 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 February 23, 2021, entitled "CD-1 Rezoning: 325-341 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.

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