

## SUMMARY AND RECOMMENDATION

**2. CD-1 REZONING: 3304 Kingsway**

**Summary:** To rezone 3304 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building, with commercial at grade and 79 secured market rental residential units. A height of 24 m (78.7 ft.) and a floor space ratio (FSR) of 3.93 are proposed.

**Applicant:** Yamamoto Architecture Inc.

**Referral:** This relates to the report entitled “CD-1 Rezoning: 3304 Kingsway”, dated November 2, 2021, (“Report”), referred to Public Hearing at the Council Meeting of November 16, 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 Yamamoto Architecture on behalf of Jam (3304 Kingsway) Holdings Inc., to rezone 3304 Kingsway [*PID 010-929-193; Lot A, Except Portions in Reference Plans 2447 and 8858, Block 36 District Lot 37 Plan 6270*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.5 FSR to 3.93 FSR and the building height from 13.8 m (45.3 ft.) to 24 m (78.7 ft.), to permit the development of a six-storey, mixed-use building with 79 secured market rental residential units, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

FURTHER THAT the proposed form of development be approved in principle, generally as prepared by Yamamoto Architecture Inc., received January 14, 2021, 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 Report.

- B. THAT subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Report, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the CD-1 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 approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Report, be approved.
- D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1, generally as set out in Appendix C of the Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the CD-1 By-law.

- E. THAT Recommendations A through D 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: 3304 Kingsway]**