

SUMMARY AND RECOMMENDATION

1. CD-1 REZONING: 277-291 West 42nd Avenue

Summary: To rezone 277-291 West 42nd Avenue from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of an 18-storey building, with 211 secured rental residential units, of which 20% of the residential floor area will be secured below-market rental units. A height of 57 m (187 ft.) and a floor space ratio (FSR) of 6.73 are proposed.

Applicant: Marcon Properties Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 277-291 West 42nd Avenue”, dated January 25, 2022, (“Report”), referred to Public Hearing at the Council Meeting of February 8, 2022.

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 W 42 Properties E Nominee Corp., to rezone 277-291 West 42nd Avenue [*Lots 17-19, Block 858 District Lot 526 Plan 7737; PIDs 004-232-119, 010-336-559 and 010-336-567 respectively*] from RS-1 (Residential) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 0.70 to 6.73 and the building height from 10.7 m (35 ft.) to 57 m (187 ft.), to permit an 18-storey residential building with 211 secured rental residential units, of which 20% of the residential floor area will be secured below market rental 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 also be approved in principle, generally as prepared by Rositch Hemphill Architects, received May 5, 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 Subdivision By-law be amended to include this CD-1 in Schedule B, 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 Subdivision By-law at the time of enactment of the new CD-1 By-law.

D. THAT Recommendations 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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