

SUMMARY AND RECOMMENDATION

1. CD-1 REZONING: 4949-5255 Heather Street and 657-707 West 37th Avenue (Heather Lands)

Summary: To rezone 4949-5255 Heather Street and 657-707 West 37th Avenue from CD-1 (52A) and CD-1 (80) (Comprehensive Development) District to two new CD-1 Districts, to allow for a multi-phased mixed-use development containing approximately 540 units of social housing, 400 units of market rental housing with 25% of the floor area at below market rent rates and 1670 leasehold strata-titled units, all in buildings ranging in height from 3 to 28 storeys. In addition, the proposal includes a 74-space childcare facility, 4.4 acres of park and public open space, commercial space including office use, a cultural centre, and a site for a Conseil Scolaire Francophone French language school and associated childcare facility.

Applicant: Dialog Design

Referral: This relates to the report entitled “CD-1 Rezoning: 4949-5255 Heather Street and 657-707 West 37th Avenue”, dated March 28, 2022, (“Report”), referred to Public Hearing at the Council Meeting of April 12, 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 Council approves the application(s) to amend CD-1 (52A) By-law No. 4393 for 657-707 West 37th Avenue and CD-1 (80) By-law No. 4665 for 4949-4951 Heather Street to amend the site maps and associated uses, generally as presented in Appendix G and H of the report;

FURTHER THAT the draft CD-1 By-law amendments, prepared for the Public Hearing in accordance with Appendices G and H, generally as presented in the Report, be approved in principle;

- B. THAT, subject to approval of Recommendation A, the application by Dialog Design, on behalf of Canada Lands Company CLC Limited and the Musqueam Indian Band, Squamish Nation, and Tsleil-Waututh Nation Partnership, the registered owners of the lands located at:

- 4949-5201 Heather St [*PID 015-991-512; Block 838 (Reference Plan 736) Group 1 NWD Except the South of 300 Feet (See 208823L) District Lot 526*];
- 5255 Heather St [*PID 015-991-466; The South 300 Feet (See 208823L) of Block 838 (Reference Plan 736) District Lot 526 Group 1 NWD*]; and
- 657-707 West 37th Avenue [*PID 009-958-461; Lot A (Reference Plan 3733) Block 839 District Lot 526 Plan 6431*];

to rezone the lands from CD-1 (52A) and CD-1 (80) to two new CD-1 (Comprehensive Development) Districts (CD-1 South and CD-1 North) to permit a multi-phased mixed use development with a combined total floor area of 234,219 sq. m. (2,521,107 sq. ft.) in buildings ranging from 3 to 28 storeys for commercial, residential, community and cultural uses, 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 and B of the Report, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by Dialog Design received October 2, 2020 provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval for each of the CD-1s respectively as contained in Appendices C and D of the Report.

- C. THAT subject to enactment of CD-1 South, CD-1 (52A) be repealed, and that subject to enactment of CD-1 North, CD-1 (80) be repealed, generally as set out in Appendices E and F respectively;

FURTHER THAT the draft CD-1 By-law amendments, prepared for the Public Hearing in accordance with Appendices E and F, of the Report, be approved in principle.

- D. THAT subject to approval in principle of each rezoning and its respective Housing Agreement(s) described in Part 2 of Appendices C and D of the Report, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-laws for enactment prior to enactment of each CD-1 By-law, respectively, 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.
- E. THAT subject to approval of Recommendation B, the application to amend the Sign By-law to establish regulations for the CD-1s, generally as set out in Appendices E and F of the Report respectively, be approved.
- F. THAT subject to approval of the CD-1 By-laws, the Noise Control By-law be amended to include each CD-1, respectively, generally as set out in Appendices E and F of the Report;

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

- G. THAT subject to approval in principle of the rezoning, the General Manager of Planning Urban Design and Sustainability be instructed to prepare the Heather Lands Design Guidelines, generally as presented in Appendix L of the Report, for adoption at the time of enactment of the first of the two CD-1s, whichever that may be.
- H. THAT subject to approval in principle of the rezoning, Council endorse removal of the Vancouver Heritage Register "A" category Fairmont building from the site to allow for

development of a x^wməθk^{wə}ʔ əm, S_kw_xwú7mesh, and səliwətaʔ cultural centre and plaza.

- I. THAT Recommendations A through G 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.

*Recommendations A and B are submitted as a package for Council's consideration.
Recommendation A must be approved for Recommendation B to be approved.*

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