

SUMMARY AND RECOMMENDATION

4. CD-1 REZONING: 495 West 41st Avenue

Summary: To rezone 495 West 41st Avenue from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a 14-storey mixed-use building, with 99 secured-rental units and commercial space, over three levels of underground parking. A height of 45.7 m (150 ft.), with additional height for a rooftop amenity, and a floor space ratio (FSR) of 6.37 are proposed.

Applicant: PCI Developments Corp.

Referral: This relates to the report entitled “CD-1 Rezoning: 495 West 41st Avenue”, dated May 3, 2022, (“Report”), referred to Public Hearing at the Council Meeting of May 17, 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 PCI Developments Corp. on behalf of Cambie & 41st Holdings Ltd., the registered owner of the lands located at 495 West 41st Avenue [*PID: 030-820-529; Lot A Block 856 District Lot 526 Group 1 New Westminster District Plan EPP74464*], to rezone the lands from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 2.50 to 6.37 and the building height from 13.8 m (45 ft.) to 45.7 m (150 ft.) and 50.0 m (164 ft.) for the rooftop indoor amenity, to permit the development of a 14-storey mixed-use building with 99 secured-rental units and commercial space, 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 in plans by Perkins + Will, received December 17, 2020, with addendum received on December 3, 2021, 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 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 the 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 to 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.

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