

SUMMARY AND RECOMMENDATION

5. CD-1 AMENDMENT: 809 West 41st Avenue

Summary: To amend the existing CD-1 (34) (Comprehensive Development) District at 809 West 41st Avenue to permit the development of an 18-storey mixed-use building, with ground-floor commercial space and 131 secured-rental residential units, with 20% of the residential floor area secured as Moderate Income Rental Housing Units, over three levels of underground parking. A height of 60.6 m (199 ft.), with additional height for a rooftop amenity, and a floor space ratio (FSR) of 7.11 are proposed.

Applicant: Arno Matis Architecture

Referral: This relates to the report entitled "CD-1 Amendment: 809 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 Arno Matis Architecture, on behalf of 809 Projects Holdings Ltd. (Inc. No. BC1137012), the registered owner of the lands located at 809 West 41st Avenue [*PID 010-075-909; Lot A Block 867 District Lot 526 Plan 8454*] to amend CD-1 (34) (Comprehensive Development) District, to increase the floor space ratio (FSR) to 7.11 and the building height to 60.6 m (199 ft.) and 64.3 m (211 ft.) for the portion with a rooftop indoor amenity, to permit the development of an 18-storey mixed-use building with ground-floor commercial space and 131 secured-rental residential units, of which 20% of the residential floor area would be secured as Moderate Income Rental Housing Units, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft amendments to the 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 Arno Matis Architecture, received March 5, 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 amendments to 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 amendments to 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 Recommendations A to 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.

[CD-1 Amendment: 809 West 41st Avenue]