

SUMMARY AND RECOMMENDATION

4. CD-1 REZONING: 3970-3998 Main Street

Summary: To rezone 3970-3998 Main Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with 60 secured market rental housing units and commercial space at grade. A building height of 22.6 m (74.1 ft.), with additional height for roof-top amenity, and a floor space ratio (FSR) of 3.97 are proposed.

Applicant: Locarno Legacy Corporation

Referral: This relates to the report entitled “CD-1 Rezoning: 3970-3998 Main Street”, dated May 24, 2022 (“Report”), referred to Public Hearing at the Council Meeting of June 7, 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 Locarno Legacy Corporation, on behalf of The Lydia Project Holdings Ltd., Inc. No. BC1312167, the registered owner of the lands located at 3970-3998 Main Street [*Lots A, 7, and 8, all of Block 1 District Lot 301 Plan 5112; PIDs 011-244-003, 011-243-741 and 011-243-767 respectively*] to rezone the lands from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 3.50 to 3.97 and the building height from 22.0 m (72.2 ft.) to 22.6 m (74.1 ft.) and to a maximum of 25.2 m (82.7 ft.) to accommodate a partial seventh-floor amenity area, to permit the development of a six-storey mixed-use building containing a total of 60 secured market rental housing units and commercial space on the ground floor, 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 Yamamoto Architecture, received September 7, 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 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 this 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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