

## SUMMARY AND RECOMMENDATION

**3. CD-1 REZONING: 396 Southwest Marine Drive**

**Summary:** To rezone 396 Southwest Marine Drive from I-2 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of permit two towers above a three-storey podium, containing a mix of industrial and commercial uses, along with a turn-key 37-space childcare facility for City ownership. A building height up to 79 m (259 ft.) and a floor space ratio (FSR) of 4.63 are proposed.

**Applicant:** HDR Architecture Associates Inc.

**Referral:** This relates to the report entitled “CD-1 Rezoning: 396 Southwest Marine Drive”, dated December 20, 2022, (“Report”), referred to Public Hearing at the Council Meeting of February 16, 2023.

**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 HDR Architecture Associates Inc., on behalf of 396 SW Marine Drive Properties GP Ltd. , the registered owner of the lands located at 396 Southwest Marine Drive [*PID 007-866-623; Lot E Block 14 District Lot 311 Plan 14313*], to rezone the lands from I-2 (Industrial) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 3.00 to 4.63 and the maximum building height from 30.5 m (100 ft.) to 79 m (259 ft.) to permit an 11-storey building and a 19-storey building containing light industrial, commercial, and a child day care facility, 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 HDR Architecture Associates Inc., received September 13, 2021, with an addendum received on June 8, 2022, 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 of the CD-1 by-law, a consequential amendment to Schedule E of the Zoning and Development By-law regarding landscape setbacks, generally as set out in Appendix C, of the Report, be approved.

- 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 through 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.

**[CD-1 Rezoning: 396 Southwest Marine Drive]**