

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 855-865 West 10th Avenue

Summary: To rezone 855-865 West 10th Avenue from CD-1 (137) District to a new CD-1 (Comprehensive Development) District, to permit the development of a 12-storey commercial and office building. A building height of 46.4 metres (152 feet) and a floor space ratio (FSR) of 6.17 are proposed.

Applicant: W. T. Leung Architects

Referral: This relates to the report entitled “CD-1 Rezoning: 855-865 West 10th Avenue”, dated March 28, 2023 (“Report”), referred to Public Hearing at the Council Meeting of April 11, 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 W. T. Leung Architects, on behalf of

- Three Putt Investments Ltd. [*PID 002-842-718; Lot 16 Block 357 District Lot 526 Plan 991*] and
- Three Putt (West 10th) Investments Ltd. [*PID 015-018-822; Lot 17 Block 357 District Lot 526 Plan 991*],

the registered owners of the lands located at 855 West 10th Avenue, to rezone from CD-1 (137) (Comprehensive Development) District to a new CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 1.70 to 6.17 and the building height from 10.7 m (35 ft.) to 46.4 m (152 ft.), to permit the development of a 12-storey strata-titled office and commercial building 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 W. T. Leung Architects Inc., received August 10, 2021, provided that 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, if the application is referred to a Public Hearing, the consequential amendment to remove the site from CD-1 (137) By-law No. 5373 be referred to the same Public Hearing;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally as set out in Appendix C of the Report, for consideration at the Public Hearing.

- 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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