

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 427-449 West 39th Avenue

Summary: To rezone 427-449 West 39th Avenue from RS-1 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of an 18-storey secured-market rental building, with 176 rental residential units, of which 20% of the residential floor area is secured as below-market rental units. A building height of 55 m (180 ft.) and a floor space ratio (FSR) of 6.10 are proposed.

Applicant: Gracorp Properties Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 427-449 West 39th Avenue”, dated April 25, 2023, (“Report”), referred to Public Hearing at the Council Meeting of May 9, 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 Gracorp Properties Ltd. on behalf of W39 Investment Holdings Ltd., the registered owner of the lands located at 427-449 West 39th Avenue [*Lots 8 to 10, Block 854 District Lot 526 Plan 7240; PIDs 010-681-841, 010-681-876, and 010-681-884, respectively*], to rezone the lands from RS-1 (Residential) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 0.70 to 6.10 and the building height from 10.7 m (35.1 ft.) to 55 m (180 ft.), to permit the development of an 18-storey building containing 176 secured-rental units, with 20% of the residential floor area secured as below-market rental units, generally as presented in the Report, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Musson Cattell Mackey Partnership, received March 11, 2022, with revisions received May 13, 2022, 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 zoning amendment 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 Subdivision By-law be amended, generally as set out in Appendix C of the Report subject to approval of the CD-1 By-law;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the CD-1 By-law.

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; 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 bylaw 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: 427-449 West 39th Avenue]