

SUMMARY AND RECOMMENDATION

2. CD-1 Rezoning: 2001-2025 West 41st Avenue and 5683-5687 Maple Street

Summary: To rezone 2001-2025 West 41st Avenue and 5683-5687 Maple Street from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building with 34 secured market rental units, a private childcare facility and commercial space. A height of 23.3 m (76 ft.) and a floor space ratio (FSR) of 3.51 are proposed.

Applicant: Panther Group

Referral: This relates to the report entitled "CD-1 Rezoning: 2001-2025 West 41st Avenue and 5683-5687 Maple Street", dated May 30, 2023, ("Report"), referred to Public Hearing at the Council Meeting of June 13, 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 Panther Group., on behalf of 1173987 B.C. Ltd., the registered owner of the lands located at

- 2001-2003 West 41st Avenue and 5683-5687 Maple Street [*PID 010-812-954; Lot 21 of Lot C Block 5 District Lot 526 Plan 6781*]
- 2007-2025 West 41st Avenue [*Lots 20, 19, 18, and 17 of Lot C Block 5 District Lot 526 Plan 6781; PIDs 006-280-391, 008-810-141, 004-900-561 and 004-894-936 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 2.50 to 3.51 FSR and the maximum building height from 13.8 m (45 ft.) to 23.3 m (76 ft.), to permit the development of a six-storey mixed-use building with 34 secured market rental residential units, a private childcare facility and commercial use, 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 Gustavson Wylie Architects received November 27, 2020, with revised plans received January 24, 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 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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