

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 430-440 West Pender Street

Summary: To rezone 430-440 West Pender Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to permit the development of a 12-storey mixed-use building with a partial 13th floor rooftop amenity area, with commercial at-grade and 80 secured market rental housing units. A floor space ratio (FSR) of 8.42 and a maximum building height of 32.0 m (105 ft.) with additional height to 35.1 m (115 ft.) for a partial 13th floor rooftop common amenity space are proposed.

Applicant: Architectural Collective Inc.

Referral: This relates to the report entitled "CD-1 Rezoning: 430-440 West Pender Street", dated October 3, 2023, ("Report"), referred to Public Hearing at the Council Meeting of October 17, 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 Architectural Collective Inc., on behalf of B West Pender Holdings Ltd., the registered owner of the lands located at 430-440 West Pender Street [*Lots 4 and 3 Block 35 Lot 541 Plan 210; PIDs 015-488-161 and 015-488-152*], to rezone the lands from DD (Downtown) to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 6.00 to 8.42 to permit the development of a 12-storey, mixed-use building containing 80 secured market rental units, with at-grade commercial uses 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 Architectural Collective Inc., received on August 12, 2022 with revised drawings received on March 28, 2023, 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 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 in principle of the rezoning, the existing building known as the “Drier Block”, located at 430-434 West Pender Street [*Lot 4 Block 35 District Lot 541 Plan 2010; PID 015-488-161*] (the “heritage building”), be added to the Vancouver Heritage Register in the ‘C’ evaluation category.
- D. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the new CD-1, generally as set out in Appendix C of the Report, be approved.
- E. 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 Parking By-law at the time of enactment of the new CD-1 By-law.

- F. THAT Recommendations A through E 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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