

SUMMARY AND RECOMMENDATION

5. CD-1 REZONING: 8120-8168 Lord Street and 540 West 65th Avenue

Summary: To rezone 8120-8168 Lord Street and 540 West 65th Avenue from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to permit the development of two six-storey residential buildings consisting of 146 secured-market rental units, of which five units would be below-market rental. A floor space ratio (FSR) of 2.88 and a height of 20.7 m (68 ft.) with additional height for a rooftop amenity and mechanical appurtenances are proposed.

Applicant: Francl Architecture Inc.

Referral: This relates to the report entitled "CD-1 Rezoning: 8120-8168 Lord Street and 540 West 65th Avenue", dated October 31, 2023, ("Report"), referred to Public Hearing at the Council Meeting of November 14, 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 Francl Architecture Inc., on behalf of Lord Street Holdings Ltd., the registered owner of the lands located at 8120-8168 Lord Street and 540 West 65th Avenue [*Lots 13 to 18 of Lot X Blocks 1 and 2 District Lot 311 Plan 8548; PIDs 010-042-784, 005-405-181, 010-042-831, 010-042-881, 010-042-911, and 010-042-946*], to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 0.70 to 2.88 and the maximum building height from 11.5 m (38 ft.) to 20.7 m (68 ft.), to permit the development of two six-storey residential buildings containing 146 secured rental units, of which five units will be secured as below-market rental units, 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 Francl Architecture Inc., received October 7, 2022, provided that 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 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 Subdivision By-law be amended, 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 Subdivision By-law at the time of enactment of the CD-1 By-law.

- D. THAT Recommendation 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, 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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