

## SUMMARY AND RECOMMENDATION

**1. CD-1 REZONING: 1890 Southwest Marine Drive**

**Summary:** To rezone 1890 Southwest Marine Drive from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to permit the development of 28 secured market rental residential units. A floor space ratio (FSR) of 0.75 and a height of 13.8 metres (45 feet) are proposed.

**Applicant:** Stuart Howard Architects

**Referral:** This relates to the report entitled “CD-1 Rezoning: 1890 SW Marine Drive”, dated November 28, 2023, (“Report”), referred to Public Hearing at the Council Meeting of December 12, 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 Stuart Howard Architects, on behalf of Yayun Cao, the registered owner of the land located at 1890 Southwest Marine Drive [*PID 005-217-521; Lot 3 Blocks 12, O and R District Lot 317 Plan 19773*], to rezone the lands from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 0.70 to 0.75 and the building height from 11.5 m (38 ft.) to 13.8 m (45 ft.), to permit 28 secured market rental residential 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 Stuart Howard Architects received June 30, 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 zoning amendment 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 zoning amendment bylaw.

- 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; 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.

**[CD-1 Rezoning: 1890 Southwest Marine Drive]**