

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 1002-1052 Seymour Street and 550 Nelson Street

Summary: To rezone 1002-1052 Seymour Street and 550 Nelson Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to change 12,548.7 sq. m (135,073 sq. ft.) of residential floor area to commercial floor area resulting in an increase of floor space ration (FSR) from 5.5 to 6.17. No form of development changes to the building are proposed.

Applicant: Onni Development (Seymour Street) Corp.

Referral: This relates to the report entitled "CD-1 Rezoning: 1002-1052 Seymour Street and 550 Nelson Street", dated January 9, 2024, ("Report"), referred to Public Hearing at the Council Meeting of January 23, 2024.

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 Onni Development (Seymour Street) Corp., the registered owner of all of the strata lots in Strata Corporation BCS3727 (and associated common property) located at 1002-1052 Seymour Street and 550 Nelson Street as listed in Schedule 1 of the Report with corresponding lot Parcel Identifiers (PIDs) and legal descriptions, to rezone the lands from Downtown District (DD) to CD-1 (Comprehensive Development) District, to increase the density from 5.5 FSR to 6.17 FSR and change the use from residential to commercial in this existing mixed-use building, 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 above approvals be subject to the Conditions of Approval contained in Appendix B of the Report.

- B. 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.

- C. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the 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.

- D. THAT Recommendations A through 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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