

SUMMARY AND RECOMMENDATION

5. CD-1 Rezoning: 1749-1769 East 33rd Avenue

Summary: To rezone 1749-1769 East 33rd Avenue from R1-1 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a five-storey residential building and a four-storey residential building, with a total of 109 secured rental housing units. A floor space ratio (FSR) of 2.20 and maximum building height of 19.1 m (63 ft.) with additional height for rooftop amenity are proposed.

Applicant: Intracorp

Referral: This relates to the report entitled "CD-1 Rezoning: 1749-1769 East 33rd Avenue", dated February 27, 2024, ("Report"), referred to Public Hearing at the Council Meeting of March 12, 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 Intracorp on behalf of Kensington Park Development Nominee Inc., the registered owner of the lands located at:
- 1749 East 33rd Avenue [*The West 1/2 of Lot 10 Except the North 10 Feet and the South 7 Feet Now Highways South 1/2 of District Lot 706 Plan 2349; PID 013-861-085*],
 - 1757 East 33rd Avenue [*The East 1/2 of Block 10, Except the North 10 Feet and the South 7 Feet Now Highways, South 1/2 of District Lot 706 Plan 2349; PID 008-076-723*], and
 - 1765-1769 East 33rd Avenue [*The West 1/2 of Lot 9, Except the North 10 Feet Now Lane, South 1/2 of District Lot 706 Plan 2349; PID 013-860-453*]

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 2.20 and the maximum building height from 11.5 m (37 ft.) to 19.1 m (63 ft.), with an additional height to top of rooftop amenity, to permit the development of a five-storey building and four-storey building containing a total of 109 secured 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 RWA Architecture, received December 14, 2022 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 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 new CD-1 By-law.

- 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.

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