

## SUMMARY AND RECOMMENDATION

**3. CD-1 REZONING: 5755-5791 Oak Street and 1008 West 41st Avenue**

**Summary:** To rezone 5755-5791 Oak Street and 1008 West 41st Avenue from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a mixed-use development with 25-storey and 17-storey buildings connected by a six-storey podium, with 357 secured rental units, of which 20% of the residential floor area will be secured at below-market rents. A floor space ratio (FSR) of 7.59 and building heights of 78.7 m (258 ft.) (sub-area A) and 54.6 m (179 ft.) (sub-area B) are proposed.

**Applicant:** Wesgroup Properties

**Referral:** This relates to the report entitled "CD-1 Rezoning: 5755-5791 Oak Street and 1008 West 41st Avenue", dated March 12, 2024, ("Report"), referred to Public Hearing at the Council Meeting of April 7, 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 Wesgroup Properties, on behalf of:

- 5763 Oak Street Investments Ltd., the registered owner of the lands located at 5755-5791 Oak Street [*Lots E to H of Lots 12 to 15 Block 995 District Lot 526 Plan 8152; PIDs 010-228-471, 010-228-497, 010-228-543, and 010-228-560 respectively*], and
- West 41st Avenue & Oak Street Investments Ltd., the registered owner of the land located at 1008 West 41st Avenue [*PID 006-635-687; Lot 1 (see N8741L) Except Firstly: Part in Plan LMP18850; Secondly: Part Shown on Plan LMP36671; Block 995 District Lot 526 Group 1 NWD Plan 20366*],

to rezone the lands from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 1.20 to 7.59 and the maximum building height from 10.7 m (35 ft.) to 78.7 m (258 ft.) and 54.6 m (179 ft.), to permit the development of a mixed-use development with 25-storey (sub-area A) and 17-storey (sub-area B) buildings connected by a six-storey podium, with 357 secured rental units, of which 20% of the residential floor area will be secured at below-market rents, and commercial uses on the ground floor, 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 Arcadis Architects (Canada) Inc., received August 24, 2023, 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 application to amend the Sign By-law to establish regulations for the CD-1, generally as set out in Appendix C of the Report, be approved.
- D. 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.

- E. THAT Recommendations A to D 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: 5755-5791 Oak Street and 1008 West 41st Avenue]**