

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 5350-5430 Heather Street

Summary: To rezone 5350-5430 Heather Street from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District, to permit the development of two 18-storey buildings with 344 rental residential units, of which 20% of the residential floor area would be below-market rental units. A floor space ratio (FSR) of 6.28 and a height of 60 m (197 ft.) with additional height for a rooftop amenity or mechanical appurtenances are proposed.

Applicant: Rize Alliance Properties Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 5350-5430 Heather Street”, dated April 9, 2024, (“Report”), referred to Public Hearing at the Council Meeting of April 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 Rize Alliance Properties Ltd. on behalf of Comma-Minto Properties (Heather) Nominee Ltd., the registered owner of the lands located at 5350-5430 Heather Street [*Lots 3 to 7 Block 877 District Lot 526 Plan 8838; PIDs: 007-506-953, 009-918-345, 009-918-353, 009-918-361 and 009-918-370 respectively*], 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 6.28 and the building height from 11.5 m (38 ft.) to 60 m (197 ft.) with additional height for the portion with rooftop amenity to permit two 18-storey residential buildings containing 344 rental units, with 20% of the residential floor area 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 Dialog, received April 24, 2023, provided 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 zoning amendment 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 subject to approval of the CD-1 By-law;

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 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; 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 bylaw 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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