

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 5630-5678 Heather Street

Summary: To rezone 5630-5678 Heather Street from R1-1 (Residential Inclusive) District to CD-1 (Comprehensive Development) District to permit the development of an 18-storey mixed-use rental building containing 184 units, where 20% of the residential floor area will be secured as below-market rental, and ground-floor commercial space. A floor space ratio (FSR) of 5.74 and a height of 55.7 m (183 ft.), with additional height for rooftop amenity space, are proposed.

Applicant: Anthem Heather Street Holdings LP

Referral: This relates to the report entitled “CD-1 Rezoning: 5630-5678 Heather Street”, dated June 10, 2024, (“Report”), referred to Public Hearing at the Council Meeting of July 9, 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 Anthem Heather Street Holdings LP, on behalf of Anthem Heather Street Holdings Ltd., the registered owner of 5630-5678 Heather Street [*Lots 19 to 20 Block 872 District Lot 526 Plan 8838; PIDs 009-918-990, 009-919-015 and 009-919-040 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 5.74 and the building height from 11.5 m (38 ft.) to 55.7 m (183 ft.) with additional height for the portion with rooftop amenity to permit an 18-storey mixed-use building containing 184 rental units, with 20% of the residential floor area secured as below-market rental units, and commercial space, 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 BHA Architecture, received October 20, 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 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 CD-1 By-law.

- D. 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.

- E. 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.

- F. THAT Recommendations A to E 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 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: 5630-5678 Heather Street]