

SUMMARY AND RECOMMENDATION

5. CD-1 (50) TEXT AMENDMENT: 3282-3296 East 1st Avenue

Summary: To amend CD-1 (50) (Comprehensive Development) District By-law for 3282-3296 East 1st Avenue to permit a six-storey mixed-use residential building containing 63 rental units, with commercial space on the ground floor. A floor space ratio (FSR) of 3.5 and a height of 22.9 m (75 ft.) are proposed.

Applicant: Cornerstone Architecture

Referral: This relates to the report entitled "CD-1 (50) Text Amendment: 3282-3296 East 1st Avenue", dated September 10, ("Report"), referred to Public Hearing at the Council Meeting of September 24, 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 Cornerstone Architecture, on behalf of The Poor Italian Ristorante Ltd., the registered owner of the lands located at 3282-3296 East 1st Avenue [*PID 010-256-938; Lot A (Explanatory Plan 9638) Block 80 Section 30 Town of Hastings Suburban Lands Plan 8174*] to amend the text of CD-1 (50) (Comprehensive Development) District By-law No. 4379 to increase the maximum floor space ratio (FSR) from 0.4 to 3.5 and the maximum building height from 4.6 m (15 ft.) to 22.9 m (75 ft.), to permit the development of a six-storey mixed-use residential building containing 63 rental units with commercial space on the ground floor, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft CD-1 By-law amendment, 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 Alan James Architect and Cornerstone Architecture, received September 6, 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 amended 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 Recommendations A and B 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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