

SUMMARY AND RECOMMENDATION

5. CD-1 REZONING: 4545-4575 West 10th Avenue

Summary: To rezone 4545-4575 West 10th Avenue from C-2 (Commercial) District to CD-1 (Comprehensive Development) District, to permit a mixed-use development with two towers (19 and 21 storeys) and two six-storey residential buildings, containing 571 rental units, with 20% of the residential floor area for below-market rental units, and commercial space on the ground floor, including a grocery store. A floor space ratio (FSR) of 3.92 and a height of 68.3 m (224 ft.), with additional height for rooftop amenity space, are proposed.

Applicant: BentallGreenOak (Canada) LP

Referral: This relates to the report entitled “CD-1 Rezoning: 4545-4575 West 10th Avenue”, dated January 7, 2025, (“Report”), referred to Public Hearing at the Council Meeting of February 25, 2025.

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 BentallGreenOak (Canada) LP, on behalf of Sun Life Assurance Company of Canada, the registered owner of the lands located at 4545-4575 West 10th Avenue [*PID 008-735-972; Lot B of Lots 3 and 4 Block 150 District Lot 540 Plan 13082*] to rezone the lands from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 3.50 to 3.92 and the maximum building height from 22.0 m (72 ft.) to 68.3 m (224 ft.), plus additional height for rooftop amenity, to permit a mixed-use development with two towers (19 and 21 storeys) and two six-storey residential buildings, containing 571 rental units, with 20% of the residential floor area for below-market 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, 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 Musson Cattell Mackey Partnership, received November 14, 2023, with revisions submitted on July 29, 2024;

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 the approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the new 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.

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