

## SUMMARY AND RECOMMENDATION

**3. CD-1 REZONING: 43-95 East 3rd Avenue**

**Summary:** To rezone 43-95 East 3rd Avenue from I-1 (Industrial) District to CD-1 (Comprehensive Development) District, to permit the development of an eight-storey mixed-use building containing industrial and office uses with commercial space on the ground floor. A floor space ratio (FSR) of 6.0 and a height of 41.4 m (136 ft.), with additional height for rooftop amenity space, are proposed.

**Applicant:** Gensler Architecture & Design Canada Inc.

**Referral:** This relates to the report entitled “CD-1 Rezoning: 43-95 East 3rd Avenue”, dated January 7, 2025, (“Report”), referred to Public Hearing at the Council Meeting of January 21, 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 Gensler Architecture & Design Canada Inc. on behalf of

- Atelier Phoenix II Holdings Ltd., the registered owner of
  - 43 East 3rd Avenue [*Lots 11 and 12 Block 13 District Lot 200A Plan 197; PIDs 016-950-020 and 016-950-038 respectively*], and
- Atelier Phoenix I Holdings Ltd., the registered owner of
  - 65-95 East 3rd Avenue [*Lots 9 and 10 Block 13 District Lot 200A Plan 197; PIDs 015-342-492 and 015-343-731 respectively*],

to rezone the lands from I-1 (Industrial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 3.0 to 6.0 and the building height from 30.5 m (100 ft.) to 41.4 m (136 ft.) to permit a mixed-use development with industrial, office and ground floor retail space in an eight-storey building with additional height for the portion with rooftop amenity, 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 in plans by Gensler Architecture & Design Canada Inc. received February 16, 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 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.
- C. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include this 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.

- D. THAT subject to approval of the CD-1 By-law, the Vancouver Development Cost Levy By-law and the Vancouver Utilities Development Cost Levy By-law be amended to include this CD-1 in the definition of “mixed-employment (light industrial)”, generally as set out in Appendix C of the Report;
- 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: 43-95 East 3rd Avenue]**