

SUMMARY AND RECOMMENDATION

1. CD-1 REZONING: 396 East 2nd Avenue

Summary: To rezone 396 East 2nd Avenue from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a 22-storey rental building containing 273 units, with 20% of the residential floor area for below-market rental units. A floor space ratio (FSR) of 6.4 and a height 65.9 m (216 ft.), with an additional partial storey for a rooftop amenity space.

Applicant: Colliers International

Referral: This relates to the report entitled "CD-1 Rezoning: 396 East 2nd Avenue", dated January 21, 2025, ("Report"), referred to Public Hearing at the Council Meeting of February 4, 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 Colliers International on behalf of 396 East 2nd Avenue Holdings Ltd, the registered owner of the lands located at 396 East 2nd Avenue [PID 007-473-036; Lot 1 Block 27 District Lot 200A Plan 16479], to rezone the lands from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 6.4 and the building height from 10.7 m (35 ft.) to 65.9 m (216 ft.) with additional height for rooftop amenity space, to permit a 22-storey rental residential building containing 273 rental units, of which 20% of the residential floor area will be 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 Kasian Architecture, Interior Design and Planning, received March 6, 2024, with revisions received June 26, 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 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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