

5. CD-1 REZONING: 414-420 West Pender Street

Summary: To rezone 414-420 West Pender Street from DD (Downtown) District to CD-1 (Comprehensive Development) District, to permit the development of a 12-storey mixed-use building containing 88 rental units and commercial space on the ground floor. A floor space ratio (FSR) of 9.44 and a height of 36.4 m (119.5 ft.), with additional height for rooftop amenity space, are proposed.

Applicant: Fastmark Development Corp.

Referral: This relates to the report entitled “CD-1 Rezoning: 414-420 West Pender Street”, dated May 20, 2025 (“Report”), referred to Public Hearing at the Council Meeting of June 3, 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 Fastmark Development Corp. on behalf of 1447047 B.C. Ltd.¹ the registered owner of the lands located at 414-420 West Pender Street [*Lots 7 and 8 Block 35 District Lot 541 Plan 210; PIDs 015-488-179 and 015-488-187 respectively*], to rezone the lands from DD (Downtown) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 6.00 to 9.44 and the maximum building height from 32 m (105 ft.) to 36.4 m (119.5 ft.) with additional height for the portion with a rooftop amenity, to permit the development of a 12-storey, mixed-use building containing 88 rental units, with ground floor commercial uses, 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 GWA Architecture, received February 8, 2024 with revised drawings received on October 23, 2024.

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

¹ Represented by Hans Fast, Christoph Hertwig, and Christoph Wendl

at the discretion of the Director of Legal Services and the General Manager of Planning, Urban Design and Sustainability.

- C. THAT the heritage designation of the retained heritage façade at 414-420 West Pender Street [*Lots 7 and 8 Block 35 District Lot 541 Plan 210; PIDs 015-488-179 and 015-488-187 respectively*] as protected heritage property be approved in principle.

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the Heritage Designation By-law, generally as set out in Appendix C of the Report, prior to 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 new 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 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.

- 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; 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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