

SUMMARY AND RECOMMENDATION

5. REZONING: 3532 East Hastings Street

Summary: To rezone 3532 East Hastings Street from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building, with commercial at grade and 34 secured for-profit affordable rental housing units, over one level of underground parking. A height of 22.0 metres (72 feet) and a floor space ratio (FSR) of 3.97 are proposed.

Applicant: Gair Williamson Architects

Referral: This item was referred to Public Hearing at the Regular Council Meeting of November 13, 2018.

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 Gair Williamson Architects on behalf of 1077750 B.C. Ltd., to rezone 3532 East Hastings Street [*Lots 6 and 7, Both Except Part in Plan 4299, Block 62 Town Of Hastings Suburban Lands Plan 2269; PIDs: 013-325-043 and 013 325-078 respectively*] from C-2C1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 3.00 to 3.97 and the building height from 13.80 m (45.30 ft.) to 22.01 m (72.22 ft.) to permit the development of a six-storey mixed-use building with commercial at grade and 34 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated October 30, 2018, entitled "CD-1 Rezoning: 3532 East Hastings Street" be approved in principle;

AND THAT the proposed form of development also be approved in principle, generally as prepared by Gair Williamson Architects and received on November 17, 2017, provided 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 Policy Report.

B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Policy Report dated October 30, 2018, entitled "CD-1 Rezoning: 3532 East Hastings Street", the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning 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 Arts, Culture and Community Services.

- C. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated October 30, 2018, entitled “CD-1 Rezoning: 3532 East Hastings Street”, be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated October 30, 2018, entitled “CD-1 Rezoning: 3532 East Hastings Street”.
- E. THAT A through 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.

[RZ – 3532 East Hastings Street]