

4. REZONING: 2715 West 12th Avenue

Summary: To rezone 2715 West 12th Avenue from RS-7 (One-Family Dwelling) District to a CD-1 (Comprehensive Development) District to permit the development of two 3½-storey residential stacked townhouse buildings with 14 rental housing units. A height of 12.2 metres (40 feet) and a floor space ratio (FSR) of 1.42 are proposed. This proposal is being considered under the Affordable Housing Choices Interim Rezoning Policy (AHC policy).

Applicant: MCM Partnership

Referral: This item was referred to Public Hearing at the Regular Council Meeting of March 12, 2019.

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 MCM Partnership and JTA Development Consultants on behalf of 2715 West 12th Investments Ltd., to rezone 2715 West 12th Avenue [*Lot A and B, both of Block 81, District Lot 540, Plan 6057, PIDs: 010-981-837 and 010-981-853 respectively*] from RS-7 (One-Family Dwelling) District to CD 1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 0.70 to 1.42 and the building height from 10.7 m (35.1 ft.) to 12.2 m (40.0 ft.) to permit the development of two 3½-storey residential stacked townhouse buildings with 14 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled “CD-1 Rezoning: 2715 West 12th Avenue” be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by MCM Partnership and received on August 21, 2018, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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 February 26, 2019, entitled “CD-1 Rezoning: 2715 West 12th Avenue”, 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 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.

[RZ – 2715 West 12th Avenue]