

## SUMMARY AND RECOMMENDATION

**5. REZONING: 1303 Kingsway and 3728 Clark Drive**

**Summary:** To rezone 1303 Kingsway and 3728 Clark Drive from C-2 (Commercial) District to a CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building with commercial uses at grade, and 54 rental housing units. A height of 22.0 metres (72.3 feet) and an FSR of 3.69 are proposed.

**Applicant:** GBL Architects and Aquilini Development

**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 GBL Architects and Aquilini Development on behalf of 1106144 B.C. Ltd., to rezone 1303 Kingsway and 3728 Clark Drive [*PID 010-314-962; Lot Q (Reference Plan 6910) Block 36 District Lot 301 Plan 187*] from C-2 (Commercial) District to CD 1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 to 3.69 and the building height from 13.8 m (45.3 ft.) to 22.0 m (72.3 ft.) to permit the development of a six storey mixed-use building with commercial use at-grade and 54 for-profit affordable rental housing units, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled “CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive” be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by GBL Architects and received on October 11, 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: 1303 Kingsway and 3728 Clark Drive”, 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 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 February 26, 2019, entitled “CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive”, 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 in Schedule B, generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled “CD-1 Rezoning: 1303 Kingsway and 3728 Clark Drive”.
- 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 – 1303 Kingsway and 3728 Clark Drive]**