

**Refers to item #4
Public Hearing of June 23, 2020**

MEMORANDUM

June 23, 2020

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Karen Levitt, Deputy City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Civic Engagement and Communications Director
Rosemary Hagiwara, Acting City Clerk
Anita Zaenker, Chief of Staff, Mayor's Office
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Theresa O' Donnell, Deputy Director, Planning, Urban Design and Sustainability
Templar Tsang-Trinaistich, Issues Manager, Planning Urban Design and Sustainability
Jeff Greenberg, Assistant Director of Legal Services

FROM: Gil Kelley
General Manager, Planning, Urban Design and Sustainability

SUBJECT: CD-1 Rezoning: 445 Kingsway and 2935 St. George Street - rescission of the previous rezoning approval

The property located at 445 Kingsway and 2935 St. George Street is being considered by City Council on the Public Hearing agenda for June 23, 2020 under the Moderate Income Rental Housing Pilot Program. However, on July 12, 2016, Council also approved in principle an application for a six-storey market rental development under the Secured Market Rental Housing Policy. Subsequent to the 2016 Public Hearing, the owner chose not to proceed with satisfying the rezoning conditions required for enactment of the draft CD-1 By-law. Instead, the owner chose to submit the proposal currently under consideration for additional development potential under the Moderate Income Rental Housing Pilot Program (the MIRHP Program).

Should Council approve in principle the rezoning application for 445 Kingsway and 2935 St. George Street, scheduled for Public Hearing on June 23, 2020, there would be two different Council approvals in principle in effect for this site, as the previously approved rezoning of July 12, 2016 is still valid.

To address the potential of two different approvals in principle being in effect on the same property, staff propose an additional recommendation be added to the staff report for this application - *Referral report dated February 25, 2020, entitled 'CD-1 Rezoning: 445 Kingsway and 2935 St. George Street*. This additional recommendation, if approved by Council, would immediately “rescind” the previous approval in principle from July 12, 2016.

RECOMMENDATION

THAT, Recommendation E in the Referral report be replaced with the following:

- E. “THAT, if after Public Hearing, Council approves in principle this rezoning application and the draft CD-1 By-law generally as set out in Appendix A (the “MIRHP Program Rezoning Application”), Council approves effective concurrently the rescission of the previous rezoning approval in principle approved on July 12, 2016.”

FURTHER THAT, a new Recommendation F be included to replace the current Recommendation E in the Referral report, as follows:

- F. “THAT, Recommendations A through 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 bylaw 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.”

BACKGROUND

It is intended that upon the passing of this recommendation that the site would be subject to one rezoning approval in principle for a development on 445 Kingsway and 2935 St. George Street under the MIRHP Program in accordance with the draft CD-1 By-law amendments generally as presented in Appendix A. This addition would rescind the owner’s rights to proceed with the previous rezoning approval in principle.

On July 12, 2016, Council approved in principle an application to rezone 445 Kingsway and 2935 St. George Street under the Secured Market Rental Housing Policy for a six-storey market rental development. Following the Public Hearing, the owner chose not to proceed with satisfying the applicable rezoning conditions required for enactment of the draft CD-1 By-law, and subsequently submitted a proposal to be considered for additional development potential under the MIRHP Program. As such, the previous Council approval in principle for the six-storey market rental development approved on July 12, 2016 is still valid.

Staff confirmed the owner's submission was accepted as one of the twenty projects chosen for the MIRHP Program on March 19, 2018. As the MIRHP Program application would deliver significantly more rental units along with a portion of the units secured at below market rental rates, it is in the public interest that Council consider the additional Recommendation, to secure the proposed MIRHP Program application as the only rezoning approval in principle for this site.

Action is required by Council.

Thank you for your consideration. If you have questions or concerns, please do not hesitate to reach out to Theresa O'Donnell at theresa.o'donnell@vancouver.ca.

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line that tapers to a point on the right.

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