

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 3084 West 4th Avenue and 2010 Balaclava Street

Summary: To rezone 3084 West 4th Avenue and 2010 Balaclava Street from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building containing 35 secured rental housing units, of which 20% of the residential floor area would be secured as moderate income units, under the Moderate Income Rental Housing Pilot Program. A height of 19.3 m (63.4 ft.) is recommended and a floor space ratio (FSR) of 2.95 is proposed.

Applicant: James Evans

Referral: This item was referred to Public Hearing at the Council Meeting of January 20, 2021.

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 James Evans on behalf of Retna Investments Inc., the registered owner of the lands at 3084 West 4th Avenue and 2010 Balaclava Street [*PID 005-215-943, Lot 21 Block 29 District Lot 192 Plan 4561 and PID 005-215-951, Lot 22 Block 29 District Lot 192 Plan 4561*] to rezone the lands from RM-4 (Residential) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 1.45 to 2.95 and building height from 10.7 m (35.1 ft.) to 19.3 m (63.4 ft.) to allow construction of a new development containing 35 secured rental housing units, of which 20% of the residential floor area will be secured as moderate income units, under the *Moderate Income Rental Housing Pilot Program*, generally as presented in Appendix A of the Referral Report dated January 5, 2021, entitled "CD-1 Rezoning: 3084 West 4th Avenue and 2010 Balaclava Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Ekistics Architecture and received on January 23, 2020, 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 Referral Report.

- B. THAT, if Council approves in principle the rezoning and the Housing Agreement described in Part 2 of Appendix B of the Referral Report dated January 5, 2021, entitled "CD-1 Rezoning: 3084 West 4th Avenue and 2010 Balaclava 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 Planning, Urban Design and Sustainability.

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.

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