

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 1885 East Pender Street

Summary: To rezone 1885 East Pender Street from RM-4 (Residential) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building containing 64 social housing units. A height of 21.6 m (70.8 ft.) and a floor space ratio (FSR) of 2.92 are proposed.

Applicant: TL Housing Solutions

Referral: This item was referred to Public Hearing at the Council Meeting of April 13, 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 TL Housing Solutions on behalf of CLT 0001 Community Society, to rezone 1885 East Pender Street [*PID 006-376-894, 006-376-959, 006-377-084; Lot 14, 15 and 16 respectively, except the north 10 feet now lane, all of Lot 5 Block E District Lot 183 Plan 180*] from RM-4 (Residential) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 1.45 to 2.92 and the building height from 10.7 m (35.1 ft.) to 21.6 m (70.8 ft.) to permit the development of a six-storey residential building containing 64 social housing units, generally as presented in Appendix A of the Referral Report dated March 30, 2021, entitled "CD-1 Rezoning: 1885 East Pender Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared in plans by RLA Architects received October 7, 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 March 30, 2021, entitled "CD-1 Rezoning: 1885 East Pender 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 through 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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