

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 351-359 West 16th Avenue

Summary: To rezone 351-359 West 16th Avenue from RT-5 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey and a three-storey residential building with 13 secured rental units. A height of 11.5 metres (38 feet) and a floor space ratio (FSR) of 1.45 are proposed.

Applicant: Haeccity Studio Architecture

Referral: This relates to the report entitled "CD-1 Rezoning: 351 West 16th Avenue", dated July 11, 2023, ("Report"), referred to Public Hearing at the Council Meeting of July 25, 2023.

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 Haeccity Studio Architecture, on behalf of Panagiotis and Despina Kefalas, the registered owners of the lands located at 351 West 16th Avenue [*PID 014-568-489; Lot 13 Block F District Lot 526 Plan 1530*], to rezone the lands from RT-5 (Residential) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 0.75 to 1.45 and the building height from 10.7 m (35 ft.) to 11.5 m (38 ft.), to permit a four-storey and a three-storey residential building with 13 secured rental units, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft CD-1 By-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Haeccity Studio Architecture, received May 27, 2022, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

AND FURTHER THAT the above approvals be subject to the Conditions of Approval contained in Appendix B of the Report.

- B. THAT subject to approval in principle of the rezoning and the Housing Agreements described in Part 2 of Appendix B of the Report, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-laws 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 Planning, Urban Design and Sustainability.
- C. THAT Recommendations A and B be adopted on the following conditions:

- (i) THAT the passage of the above resolution 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.

[CD-1 REZONING: 351-359 West 16th Avenue]