

SUMMARY AND RECOMMENDATION

4. Rezoning: 4635-4675 Arbutus Street

Summary: To rezone 4635-4675 Arbutus Street from CD-1 (26) (Comprehensive Development) District to RR-3B (Residential Rental) District, to permit the development of a six-storey mixed-use rental building where 20% of the residential floor area will be secured as below-market rental. A floor space ratio (FSR) of 3.40 and height of 22.0 m (72 ft.) are proposed.

Applicant: Perkins + Will Canada Architects Co.

Referral: This relates to the report entitled "Rezoning: 4635-4675 Arbutus Street", dated April 9, 2024, ("Report"), referred to Public Hearing at the Council Meeting of April 23, 2024.

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 Perkins + Will Canada Architects Co. on behalf of Constantine Dino Bonnis, the registered owner of the lands located at 4635-4675 Arbutus Street [*PID 009-167-102; Lot 7 Block 93 District Lot 526 Plan 11076*], to rezone the land from CD-1 (26) (Comprehensive Development) District to RR-3B (Residential Rental) District, generally as presented in the Report, be approved in principle;

FURTHER THAT the draft zoning amendment by-law, prepared for the Public Hearing in accordance with Appendix A of the Report, be approved in principle;

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

- B. THAT subject to the approval of the RR-3B zoning amendment referenced in Recommendation A above, an amendment to the CD-1 (26) 2105 West 32nd Avenue and 4615-4675 Arbutus Street By-law No. 4078, prepared for the Public Hearing in accordance with Appendix C of the Report, be approved.
- C. THAT subject to approval in principle of the rezoning and the Housing Agreement described in Part 2 of Appendix B, of the Report, the Director of Legal Services be instructed to prepare the necessary Housing Agreement By-law for enactment prior to enactment of the zoning amendment 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.

- D. THAT Recommendations A to C 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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