

SUMMARY AND RECOMMENDATION

2. CD-1 Rezoning: 5455 Balsam Street

Summary: To rezone 5455 Balsam Street from RM-3 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of an additional 14-storey residential rental building containing 145 secured market rental units on a site currently developed with a residential rental building containing 88 rental units, which will be retained. A total floor space ratio (FSR) of 3.49 and a height of 40.8 m (134 ft.) with additional height for rooftop amenity are proposed.

Applicant: RH Architects Inc.

Referral: This relates to the report entitled "CD-1 Rezoning: 5455 Balsam Street", dated May 28, 2024, ("Report"), referred to Public Hearing at the Council Meeting of June 11, 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 RH Architects Inc., on behalf of Balsam Holdings Ltd., the registered owner of the lands located at 5455 Balsam Street:
- *PID 024-424-706; Amended Lot 3 (See 506320L) Lot 12 Block 17 District Lot 526 Plan 3946,*
 - *PID 011-989-831; the south 50 feet of Lot 4 of Lot 12 Block 17 District Lot 526 Plan 3946,*
 - *Lots 5 to 9 of Lot 12, Block 17 District Lot 526 Plan 3946; PIDs 011-989-866, 011-989-882, 011-989-921, 011-989-955, and 011-989-998 respectively*

to rezone the lands from RM-3 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 1.88 to 3.49 and the building height from 36.6 m (120 ft.) to 40.8 m (134 ft.) with additional height for the portion with rooftop amenity, to permit the development of an additional residential rental building with 145 rental units on a site containing 88 rental units, all of which will thereafter be secured as market rental housing 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 RH Architects Inc., received November 10, 2021, provided that 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 Report.

- B. 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 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 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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