

## SUMMARY AND RECOMMENDATION

**4. REZONING: 3235-3261 Clive Avenue**

**Summary:** To rezone 3235-3261 Clive Avenue from CD-1 (Comprehensive Development) District (219) to a new CD-1 (Comprehensive Development) District to permit the development of a six-storey residential building fronting Vanness Avenue and three-and-a-half storey townhouses fronting Clive Avenue, with 68 residential units (62 strata-titled units and six market rental units). Increases to the permitted floor space ratio (FSR) from 1.20 to 2.25 and to the maximum building height from 11.9 metres (39 feet) to 21.4 metres (70.2 feet) are proposed.

**Applicant:** dys architecture

**Referral:** This item was referred to Public Hearing at the Council Meeting of January 21, 2020.

**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 dys architecture, on behalf of Nexst Clive Development Ltd., to rezone 3235-3261 Clive Avenue [*Lots 3 to 7, Blocks 149 to 153, District Lot 37, Plan 2196; PIDs: 003-043-223, 006-700-802, 006-700-829, 013-982-958 and 013-982-991 respectively*] from CD-1 (Comprehensive Development) District (219) to a new CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.20 to 2.25 and a maximum building height from 11.9 m (39 ft.) to 21.4 m (70.2 ft.), to permit development of a six-storey residential building fronting Vanness Avenue and three-and-a-half storey townhouses fronting Clive Avenue, consisting of a total of 68 residential units (62 strata-titled units and six market rental units), generally as presented in Appendix A of the Referral Report dated January 7, 2020, entitled "CD-1 Rezoning: 3235-3261 Clive Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by dys architecture and received on December 21, 2018, 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 the consequential amendment to CD-1 District (219) By-law No. 6322 to remove 3235-3261 Clive Avenue from CD-1 (219), generally as set out in Appendix C, be approved;

FURTHER THAT the Director of Legal Services be instructed to bring forward the

amending by-law at the time of enactment of the new CD-1 By-law for 3235-3261 Clive Avenue.

- C. 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 7, 2020, entitled "CD-1 Rezoning: 3235-3261 Clive Avenue", 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.
- D. THAT A through 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.

**[RZ – 3235-3261 Clive Avenue]**