

SUMMARY AND RECOMMENDATION

4. CD-1 REZONING: 1425 and 1451 East 12th Avenue

Summary: To rezone 1425 and 1451 East 12th Avenue from RM-11N (Medium-Density Residential) District to CD-1 (Comprehensive Development) District, to permit the development of two residential buildings with a total of 157 social housing units for seniors. A height of 20.7 metres (67.9 feet) and a floor space ratio (FSR) of 2.47 are proposed.

Applicant: Brightside Community Homes Foundation

Referral: This item was referred to Public Hearing at the Council Meeting of June 23, 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 Brightside Community Homes Foundation, the registered owner, to rezone 1425 and 1451 East 12th Avenue [*PID: 009-226-869, Lot 28 of Lot D Block 160 District Lot 264A PLAN 10940; and PID: 009-226-877, Lot 29 of Lot D Block 160 District Lot 264A PLAN 10940*] from RM-11N (Medium-Density Residential) to a new CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 1.70 to 2.47 and building height from 13.7 m (44.9 ft.) to 20.7 m (67.9 ft.) for two residential buildings with a total of 157 social housing units for seniors, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled “CD-1 Rezoning: 1425 and 1451 East 12th Avenue” be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Ryder Architecture and received on December 11, 2019, 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 June 9, 2020, entitled “CD-1 Rezoning: 1425 and 1451 East 12th 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.

- C. THAT 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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