

## SUMMARY AND RECOMMENDATION

**1. CD-1 REZONING: 1265-1281 Kingsway**

**Summary:** To rezone 1265-1281 Kingsway from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to permit the development of a six-storey mixed-use building with 43 secured rental housing units. A height of 21 m (68.9 ft.) and a floor space ratio (FSR) of 3.74 are proposed.

**Applicant:** Stuart Howard Architects Inc.

**Referral:** This item was referred to Public Hearing at the Council Meeting of October 20, 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 Stuart Howard Architects Inc. on behalf of Song Xanh Holdings Ltd., the registered owner of the lands at 1265-1281 Kingsway [*PID 015-633-977, Lot 9, Except Part in Explanatory Plan 3087, Block 38 District Lot 301 Plan 187; PID: 015-633-951, Lot C (Explanatory Plan 3087) of Lots 8 and 9 Block 38 District Lot 301 Plan 187; and PID 011-221-810, Lot B (Explanatory Plan 3087) of Lots 8 and 9 Block 38 District Lot 301 Plan 187*] from C-2 (Commercial) District to CD-1 (Comprehensive Development) District to increase the permitted floor space ratio (FSR) from 2.50 FSR to 3.74 FSR and the building height from 13.8 m (45.3 ft.) to 21 m (68.9 ft.) to permit the development of a six-storey, mixed-use building with 43 secured market rental residential units, generally as presented in Appendix A of the Referral Report dated October 6, 2020, entitled "CD-1 Rezoning: 1265-1281 Kingsway" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Stuart Howard Architects Inc. and received on February 3, 2020, 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 October 6, 2020, entitled "CD-1 Rezoning: 1265-1281 Kingsway", 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, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Referral Report dated October 6, 2020, entitled “CD-1 Rezoning: 1265-1281 Kingsway”, be approved.
- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Referral Report dated October 6, 2020, entitled “CD-1 Rezoning: 1265-1281 Kingsway”.
- E. THAT A through D 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.

**[CD-1 Rezoning: 1265-1281 Kingsway]**