

SUMMARY AND RECOMMENDATION

3. CD-1 REZONING: 3205 Arbutus Street

Summary: To rezone 3205 Arbutus Street from C-1 (Commercial) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey mixed-use building with 54 secured market rental units and at-grade commercial space. A building height of 19.2 m (63 ft.) with additional height for a rooftop amenity and a floor space ratio (FSR) of 2.56 are proposed.

Applicant: Yamamoto Architecture

Referral: This relates to the report entitled “CD-1 Rezoning: 3205 Arbutus Street”, dated February 21, 2023, (“Report”), referred to Public Hearing at the Council Meeting of March 7, 2023.

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 Yamamoto Architecture, on behalf of 1088573 B.C. Ltd.¹, the registered owner of the lands located at 3205 Arbutus Street [*PID 024-760-595; Parcel A Block 484 District Lot 526 Group 1 New Westminster District Plan LMP45736*], to rezone the lands from C-1 (Commercial) District to CD-1 (Comprehensive Development) District to increase the floor space ratio (FSR) from 1.20 to 2.56 and the building height from 10.7 m (35 ft.) to 19.2 m (63 ft.), to permit a four-storey mixed-use building with 54 secured market rental units and commercial space, 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 Yamamoto Architecture, received October 27, 2021, provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the new CD-1, generally as set out in Appendix C of the Report, be approved.

¹ Beneficially owned and controlled by John D.L. Mackay and Michael D.K. Mackay

C. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include this CD-1 in Schedule B, generally as set out in Appendix C of the Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the Noise Control By-law at the time of enactment of the new CD-1 By-law.

D. THAT Recommendations A to C be adopted on the following conditions:

- (i) THAT the passage of the above resolution 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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