

SUMMARY AND RECOMMENDATION

1. CD-1 REZONING: 1302-1318 East 12th Avenue

Summary: To rezone 1302-1318 East 12th Avenue from RM-11N (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey mixed-use building containing 33 secured rental units with commercial space on the ground floor. A floor space ratio (FSR) of 3.21 and a building height of 24.20 m (79 ft.) are proposed.

Applicant: David Wong Architect

Referral: This relates to the report entitled “CD-1 Rezoning: 1302-1318 East 12th Avenue”, dated March 12, 2024, (“Report”), referred to Public Hearing at the Council Meeting of April 7, 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 David Wong Architect, on behalf of XGX Apartments Ltd., the registered owner of the lands located at 1302-1318 East 12th Avenue [*Lots A to C of Lot A Block 171 District Lot 264A Group 1 New Westminster District Plan BCP7041; PIDs 025-730-185, 025-730-193, and 025-730-207 respectively*], to rezone the lands from RM-11N (Residential) District to CD-1 (Comprehensive Development) District to increase the maximum floor space ratio (FSR) from 1.70 to 3.21 and the maximum building height from 13.7 m (45 ft.) to 24.20 m (79 ft.) to permit a six-storey mixed-use building containing 33 secured market rental residential units with commercial space on the ground floor, 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 David Wong Architect, received April 20, 2022, and supplemental plans received January 16, 2023, 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 subject to approval of the CD-1 By-law, the application to amend the Sign By-law to establish regulations for the CD-1, generally as set out in Appendix C of the Report, be approved.
- D. THAT subject to approval of the CD-1 By-law, the Noise Control By-law be amended to include the CD-1, 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 CD-1 By-law.

- E. THAT Recommendations A to 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: 1302-1318 East 12th Avenue]