

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 1190 West 10th Avenue

Summary: To rezone 1190 West 10th Avenue from RM-3 (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a 21-storey mixed-use building, with 172 rental units with 20% of the residential floor area for below-market rental units and commercial space on the ground floor. A floor space ratio (FSR) of 6.8 and a height of 66.6 m (218 ft.), with additional height for rooftop amenity space, are proposed.

Applicant: JTA Development Consultants

Referral: This relates to the report entitled "CD-1 Rezoning: 1190 West 10th Avenue", dated November 26, 2024, ("Report"), referred to Public Hearing at the Council Meeting of December 10, 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 JTA Development Consultants, on behalf of Beverly Manor Ltd., the registered owner of the lands located at 1190 West 10th Avenue:

- *PID 015-014-509; Lot 3 Block 374 District Lot 526 Plan 991;*
- *PID 015-014-754; Lot A, Except the South 40 Feet, Block 374 District Lot 526 Plan 991; and*
- *PID 015-014-711; The South 40 Feet of Lot A Block 374 District Lot 526 Plan 991;*

to rezone the lands from RM-3 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 1.0 to 6.8 and the maximum building height from 36.6 m (120 ft.) to 66.6 m (218 ft.) with additional height for the portion with rooftop amenity, to permit the development of a 21-storey mixed-use rental building with 20% of the residential floor area for below-market rental units and commercial space on the ground floor, 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 Studio One Architecture, received January 9, 2024, 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 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 the 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.
- 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.

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