

SUMMARY AND RECOMMENDATION

6. CD-1 REZONING: 121-129 West 11th Avenue

Summary: To rezone 121-129 West 11th Avenue from RT-6 (Residential) District to CD-1 (Comprehensive Development) District, to permit the development of an 18-storey mixed-use building containing 165 rental units, of which 20% of the residential floor area is for below-market rental units, and commercial space on the ground floor. A floor space ratio (FSR) of 5.80 and a height of 59.0 m (194 ft.) are proposed.

Applicant: HAVN Developments Ltd.

Referral: This relates to the report entitled “CD-1 Rezoning: 121-129 West 11th Avenue”, dated January 21, 2025 (“Report”), referred to Public Hearing at the Council Meeting of February 4, 2025.

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 HAVN Developments Ltd., on behalf of:

- Aztec Marketing Ltd. and 0775752 B.C. Ltd.¹, the registered owners of the lands located at 121 West 11th Avenue [*PID 015-549-135; Lot 14, Except the North 10 Feet Now Lane, Block 34 District Lot 302 Plan 198*],
- Brian Douglas Morgenstern, the registered owner of the lands located at 123 West 11th Avenue [*PID 010-739-645; Lot 15 Block 34 District Lot 302 Plan 198*], and
- Treble Holdings Ltd., the registered owner of the lands located at 127-129 West 11th Avenue [*PID 031-411-371; Lot A District Lot 302 Group 1 New Westminster District Plan EPP104739*],

to rezone the lands from RT-6 (Residential) District to CD-1 (Comprehensive Development) District, to increase the maximum floor space ratio (FSR) from 0.75 to 5.80 and increase the maximum building height from 10.7 m (35 ft.) to 59.0 m (194 ft.) to permit the development of an 18-storey mixed-use building containing 165 rental units, of which 20% of the residential floor area will be secured for below-market rental units, and ground-floor commercial, 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;

¹ Represented by Libor Henar

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Shape Architecture Inc., received December 15, 2023;

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 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 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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