

## SUMMARY AND RECOMMENDATION

**3. REZONING: 628-682 West 28th Avenue and 4435 Ash Street**

**Summary:** To rezone 628-682 West 28th Avenue and 4435 Ash Street from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) up to 1.2. The form of development will be reviewed through a subsequent development permit process.

**Applicant:** Belford (28th) Nominee Ltd.

**Referral:** This item was referred to Public Hearing at the Regular Council Meeting of March 12, 2019.

**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 Belford (28th) Nominee Ltd., the registered owner, to rezone 628-682 West 28th Avenue and 4435 Ash Street [*Lots 1 to 7, all of Block 739, District Lot 526, Plan 7115; PIDs: 010-730-401, 010-730-419, 010-730-435, 010-730-451, 010-730-460, 010-730-478 and 010-085-602 respectively*] all from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District, generally as presented in Appendix A of the Policy Report dated February 26, 2019, entitled "Rezoning: 628-682 West 28th Avenue and 4435 Ash Street", be approved in principle;

FURTHER THAT the above approval be subject to the Conditions of Approval contained in Appendix B of the Policy Report, except that the title and preamble for Part 1 be replaced with:

**"PART 1: CONDITIONS OF APPROVAL OF THE DEVELOPMENT APPLICATION**

THAT, in reviewing a development application for the site, the Director of Planning shall have particular regard for the following:"

- B. THAT, subject to the enactment of the amending by-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Subdivision By-law generally as set out in Appendix C of the Policy Report dated February 26, 2019, entitled "Rezoning: 628-682 West 28th Avenue and 4435 Ash Street".
- C. THAT A 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.

**[RZ – 628-682 West 28th Avenue and 4435 Ash Street]**