

SUMMARY AND RECOMMENDATION

1d. REZONING: 168 West 44th Avenue

Summary: To rezone 168 West 44th Avenue 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: Gradual Architecture Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of September 10, 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 Gradual Architecture Inc. on behalf of David Siu-Wai Fok, the registered owner, to rezone 168 West 44th Avenue [*Lot 4, Block 1083, District Lot 526, Plan 7386; PID: 010-645-403;*] 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 August 27, 2019 entitled "Rezoning: 168 West 44th Avenue" be approved in principle;

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

- B. THAT, subject to the enactment of the rezoning 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 August 27, 2019 entitled "Rezoning: 168 West 44th Avenue".
- C. THAT A and B 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 – 168 West 44th Avenue]