

SUMMARY AND RECOMMENDATION

2b. REZONING: 376-392 West 45th Avenue

Summary: To rezone 376-392 West 45th 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: 376-392 West 45th Avenue GP Ltd.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of October 1, 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 376-392 West 45th Avenue GP Ltd. on behalf of 376-392 West 45th Avenue Holdings Ltd., the registered owner, to rezone 376-392 West 45th Avenue [*Lots 12 and 11 of Lot 1, Block 999, District Lot 526, Plan 5531; PIDs: 011-138-726 and 008-404-585 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 September 17, 2019 entitled "Rezoning: 376-392 West 45th 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 dated September 17, 2019 entitled "Rezoning: 376-392 West 45th 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 – 376-392 West 45th Avenue]