

SUMMARY AND RECOMMENDATION

2. REZONING: 319-359 West 49th Avenue

Summary: To rezone 319-359 West 49th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-and-a-half storey building containing commercial uses at grade and 51 strata residential units. A building height of 18.1 metres (59.4 feet) and a floor space ratio (FSR) of 2.30 are proposed.

Applicant: Matthew Cheng Architects Inc.

Referral: This item was referred to Public Hearing at the Regular Council Meeting of November 5, 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 Matthew Cheng Architects Inc., on behalf of Killarney Enterprises (49th) Ltd., the registered owner, to rezone 319-359 West 49th Avenue [*Lots 13 and 14 and Subdivision 15, all of Lot 4, Block 999, District Lot 526, Plan 5531; PIDs: 011-138-360, 008-268-908, and 002-467-411 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 0.70 to 2.30 and the building height from 10.7 m (35 ft.) to 18.1 m (59.4 ft.) to permit the development of a four-and-a-half storey building containing commercial use and 51 strata residential units, generally as presented in Appendix A of the Policy Report dated October 22, 2019 entitled "CD-1 Rezoning: 319-359 West 49th Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Matthew Cheng Architects Inc. and received December 12, 2018, provided the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development;

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

- B. THAT, the application to amend the Sign By-law to establish regulations for this CD-1, generally as set out in Appendix C of the Policy Report dated October 22, 2019 entitled "CD-1 Rezoning: 319-359 West 49th Avenue", be approved.
- C. THAT, subject to enactment of the CD-1 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 October 22, 2019 entitled "CD-1 Rezoning: 319-359 West 49th Avenue".

- D. THAT, subject to enactment of the CD-1 By-law, the Director of Legal Services be instructed to bring forward for Council approval amendments to the Noise Control By-law, generally as set out in Appendix C of the Policy Report dated October 22, 2019 entitled "CD-1 Rezoning: 319-359 West 49th Avenue".
- E. THAT A through 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.

[RZ – 319-359 West 49th Avenue]