

## SUMMARY AND RECOMMENDATION

**2. REZONING: 631-635 Commercial Drive**

**Summary:** To rezone 631-635 Commercial Drive from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit Retail and Service uses, including Restaurant – Class 1, at the ground level in an existing mixed residential-commercial building with grandfathered, legal non-conforming uses at grade. No changes to the existing form of development are proposed.

**Applicant:** Brook Pooni Associates

**Referral:** This item was referred to Public Hearing at the Council Meeting of March 10, 2020.

**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 Brook Pooni Associates, on behalf of 631 Commercial Drive Holdings Ltd., the registered owner, to rezone 631-635 Commercial Drive [*Lot 1 (Reference Plan 1808) of Lot C of Lot 12, and Lot D of Lot 12, both of Block D, District Lot 183, Plan 3137; PIDs: 013-108-557 and 013-108-565 respectively*] from RM-4N (Multiple Dwelling) District to CD-1 (Comprehensive Development) District, to permit Retail and Service uses, including Restaurant – Class 1, at the ground level in an existing mixed residential-commercial building with grandfathered, legal non-conforming uses at grade, generally as presented in Appendix A of the Referral Report dated February 25, 2020, entitled “CD-1 Rezoning: 631-635 Commercial Drive be approved in principle;

FURTHER THAT the existing form of development, as represented in drawings by Johnston Davidson Architecture and Planning received August 1, 2019 and as shown in Appendix D of the Referral Report, also be approved;

FURTHER THAT the approval of the application be subject to the Conditions of By-law Enactment contained in Appendix B of the Referral 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 Referral Report dated February 25, 2020, entitled “CD-1 Rezoning: 631-635 Commercial Drive”, 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 Noise Control By-law, generally as set out in Appendix C of the Referral Report dated February 25, 2020, entitled “CD-1 Rezoning: 631-635 Commercial Drive”.

- D. THAT A through C 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 – 631-635 Commercial Drive]**