

SUMMARY AND RECOMMENDATION

1. REZONING: 4989-5049 Ash Street

Summary: To rezone 4989-5049 Ash Street from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of two four-storey residential buildings with a total of 65 strata residential units. A building height of 14.5 metres (47.6 feet) and a floor space ratio (FSR) of 2.0 are proposed.

Applicant: Pennyfarthing Properties Ash St. North Ltd.

Referral: This item was referred to Public Hearing at the Council Meeting of April 28, 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 Pennyfarthing Properties Ash St. North Ltd., the registered owner, to rezone 4989-5049 Ash Street [*Lots 42 to 45, Block 839, District Lot 526, Plan 8710; PIDs 007-769-067, 009-956-204, 009-956-808 and 009-956-816 respectively*] from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the permitted floor space ratio (FSR) from 0.7 to 2.0 and the building height from 10.7 m (35 ft.) to 14.5 m (47.6 ft.) to permit the development of two four-storey residential buildings with a total of 65 strata residential units, generally as presented in Appendix A of the Referral Report dated March 17, 2020, entitled "CD-1 Rezoning: 4989-5049 Ash Street", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Rositch Hemphill Architect and received on July 19, 2019, 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 Referral Report.

- B. 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 Referral Report dated March 17, 2020, entitled "CD-1 Rezoning: 4989-5049 Ash Street".
- 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 – 4989-5049 Ash Street]