

SUMMARY AND RECOMMENDATION

2. REZONING: 105-125 West 49th Avenue

Summary: To rezone 105-125 West 49th Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey mixed-use building with 35 strata residential units. A building height of 15.4 metres (51 feet) and a floor space ratio (FSR) of 2.35 are proposed.

Applicant: Billard Architecture Inc.

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 Billard Architecture Inc., on behalf of Thinkhome Realty Ltd., the registered owners, to rezone 105-125 West 49th Avenue [*Amended Lot 11 (See 263237L), Amended Lot 13 (See 263238L), and Lot 14, all of Block 1163, District Lot 526, Plan 4757; PIDs: 011-324-309, 011-324-350 and 011-324-384 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 2.35 and the building height from 10.7 m (35 ft.) to 15.4 m (51 ft.) to permit the development of a four-storey mixed-use building with 35 strata residential units, generally as presented in Appendix A of the Referral Report dated April 28, 2020, entitled "CD-1 Rezoning: 105-125 West 49th Avenue" be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by Billard Architecture Inc. and received on July 26, 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 April 28, 2020, entitled "CD-1 Rezoning: 105-125 West 49th Avenue".
- C. 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 April 28, 2020, entitled "CD-1 Rezoning: 105-125 West 49th Avenue", be approved.

- 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 Referral Report dated April 28, 2020, entitled “CD-1 Rezoning: 105-125 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 – 105-125 West 49th Avenue]