

SUMMARY AND RECOMMENDATION

2. REZONING: 187-195 West 41st Avenue

Summary: To rezone 187-195 West 41st Avenue from RS-1 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a four-storey residential building. A building height of 15.0 metres (50 feet) and a floor space ratio (FSR) of 1.80 of are proposed.

Applicant: GUD Group

Referral: This item was referred to Public Hearing at the Council Meeting of May 12, 2020 under Motion B1.

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 GUD Group, on behalf of 1120814 B.C. Ltd., the registered owners, to rezone 187-195 West 41st Avenue [*Amended Lot 3 (see 97480L), Except Part in Explanatory Plan 5870 of Lot 2, and Amended Lot 1 (see 250755L), Except Part in Explanatory Plan 5849 of Lot 2, both of Block 1003A, District Lot 526, Plan 4381; PIDs: 011-572-540 and 011-572-523 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 1.80 and the building height from 10.7 m (35 ft.) to 15 m (50 ft.) to permit the development of a four-storey residential building, containing 23 strata residential units, generally as presented in Appendix A of the Referral Report dated March 17, 2020, entitled "CD-1 Rezoning: 187-195 West 41st Avenue", be approved in principle;

FURTHER THAT the proposed form of development also be approved in principle, generally as prepared by GUD Group and received on May 28, 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: 187-195 West 41st 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 – 187-195 West 41st Avenue]