

SUMMARY AND RECOMMENDATION

2. CD-1 REZONING: 526-528 West 37th Avenue

Summary: To rezone 526-528 West 37th Avenue from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to permit the development of a six-storey residential building with 22 strata-titled units. A height of 20.2 metres (66.2 feet) and a floor space ratio (FSR) of 2.44 are proposed.

Applicant: GUD Group

Referral: This item was referred to Public Hearing at the Council Meeting of June 23, 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 GUD Group, on behalf of D&W Investments Ltd, the registered owner, to rezone 526-528 West 37th Avenue [*PID 009-972-706; Lot 19, Block 875, District Lot 526, Plan 8664*] from RT-2 (Two-Family Dwelling) District to CD-1 (Comprehensive Development) District, to increase the floor space ratio (FSR) from 0.75 to 2.44 and the maximum building height from 9.2 m (30 ft.) to 20.2 m (66.2 ft.) to permit the development of a six-storey residential building containing 22 strata-titled units, generally as presented in Appendix A of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 526-528 West 37th 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 July 4, 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 Parking By-law, generally as set out in Appendix C of the Referral Report dated June 9, 2020, entitled "CD-1 Rezoning: 526-528 West 37th 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.

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