

SUMMARY AND RECOMMENDATION

3. REZONING: 376-406 West 45th Avenue

Summary: To rezone 376-406 West 45th Avenue from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District to permit a townhouse development with a floor space ratio (FSR) of up to 1.2. If rezoning is approved, a subsequent development permit process would entail a review of a proposed form of development.

Applicant: Iredale Architecture

Referral: This item was referred to Public Hearing at the Council Meeting of October 6, 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 Iredale Architecture on behalf of 376-392 West 45th Avenue Holdings Ltd., the registered owner of the lands located at 376-406 West 45th Avenue [Lots 10, 11, and 12 of Lot 1 Block 999 District Lot 526 Plan 5531; PIDs 011-138-718, 008-404-585, and 011-138-726 respectively], to rezone the lands from RS-1 (One-Family Dwelling) District to RM-8A (Multiple Dwelling) District, generally as presented in Appendix A of the Referral Report dated September 22, 2020, entitled "Rezoning: 376-406 West 45th Avenue", be approved in principle;

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 September 22, 2020, entitled "Rezoning: 376-406 West 45th 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.

[CD-1 Rezoning: 376-406 West 45th Avenue]